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~~SAN FRANCISCO~~
~~CITY PLANNING COMMISSION~~

~~Minutes of the Regular Meeting held Thursday, July 7, 1977.~~

The City Planning Commission met pursuant to notice on Thursday, July 7, 1977, at 1:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Romaine Smith, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Feldman, Planner II; Mary Ann Miller, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Harry Johansen represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, introduced Romaine Smith, Secretary to the Public Utilities Commission, who will be sitting on the Commission as Mr. Wentz's alternate while Mr. Carey is on vacation.

The Director reported that the Citizens Advisory Committee for the Community Development Program, meeting later in the afternoon, was scheduled to consider the proposed Community Development Budget for the Department of City Planning for 1978.

The Director informed the Commission that the Board of Supervisors, meeting on Tuesday, had sustained the Commission's disapproval of an application to rezone properties at 1052-62 Oak Street and 444 Divisadero Street from R-4 and proposed RH-3 to C-2. The Board had also approved the proposal for designation of the Castro Theater as a Landmark and had authorized the Department of City Planning to file for grant funds from the Economic Development Administration.

Commissioner Starbuck, remarking that the Commission had conducted a discretionary review of only Phase I of the Bank of America Data Center, requested other members of the Commission to make the staff of the Department of City Planning aware of any concerns which they might have regarding Phase II of the project.

The Director reported that his recommendations to the Chief Administrative Officer regarding the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area will soon be finalized.

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The Director advised the Commission that he had been asked by the Chief Administrative Officer to recommend members to be appointed to a design advisory panel for the Yerba Buena Center Convention Hall project. 1

Commissioner Rosenblatt stated that he felt that it was important that decisions about the development at ground level above the convention hall should be made simultaneously with the decisions concerning the convention hall itself so that the structure to accommodate the hall does not by itself determine or restrict the possibilities for development above the ground.

Commissioner Bierman stated that she hoped that alternative design plans for the proposed convention hall would be made available for public review before a final decision is made.

At the suggestion of Commissioner Rosenblatt, the Commission requested that a letter be sent to the Chief Administrative Officer and the Redevelopment Agency urging that the decisions about development of the space above the convention hall be made simultaneously with the decisions concerning the convention hall itself and that the public be thoroughly involved as alternate designs are considered.

Commissioner Rosenblatt announced that the first meeting of the new North-eastern Waterfront Advisory Committee will be held on Monday, July 18, at 4:00 p.m.

CU77.34 - HOWARD STREET, SOUTHWEST CORNER OF 4TH STREET

REQUEST FOR AUTHORIZATION FOR 200 UNITS OF ELDERLY HOUSING IN A NINE-STORY BUILDING WITH A COMMUNITY FACILITY, A GARDEN, OUTDOOR RECREATIONAL SPACE AND 19 UNCOVERED PARKING STALLS; IN A C-3-S USE AND 340-I HEIGHT AND BULK DISTRICT AND IN THE YERBA BUENA REDEVELOPMENT PROJECT AREA D-1. (EXEMPT FROM ENVIRONMENTAL EVALUATION.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 275 feet on 4th Street and 150 feet on Howard Street for a total area of 25,262 square feet. A portion of the property is occupied by a two-story concrete building; and the remainder of the site is vacant. The applicant intended to construct approximately 200 units of publicly-financed housing for the elderly on the site. The project would consist of eight stories of housing over one story of community facilities and commercial uses. A garden and an outdoor recreational area will be provided at ground level. Phase I of the project would involve 112 dwelling units consisting of 104 one-bedroom units, 12 of which would be designed for handicapped persons, and 8 studio apartments. Phase II would provide approximately eight units in a second building on the site. Thirteen uncovered parking stalls would be developed during Phase I and six additional parking stalls would be developed during Phase II. The matter had come before the Commission because construction of housing in a C-3-S district requires conditional use authorization from the Commission. Under the terms of the City Planning Code, 65 off-street parking spaces would be required for the 200 units of housing.

However, the applicant had applied for a variance from the parking standards of the Code; and the Zoning Administrator had held a public hearing on that variance request. It was noted that other housing projects for the elderly which had been proposed in the past had been monitored and it had been found that the amount of off-street parking which had been provided had been more than sufficient.

Commissioner Starbuck asked if it would be appropriate for the Commission to consider each of the phases of the proposed project separately.

Steve Dutton, representing the applicant, replied that he would prefer to have the Commission act on both phases of the project at the present time.

At this point in the proceedings, Commissioner Dearman arrived in the meeting room and assumed her seat at the Commission table.

Peter Mendelsohn urged the Commission to act on both phases simultaneously so that the matter would not have to come back before the Commission.

No one was present in the audience to speak in opposition to the subject application.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7768 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU77.37 - 534 PRECITA AVENUE, SOUTH LINE, 130 FEET EAST OF ALABAMA STREET. REQUEST FOR AUTHORIZATION TO DEMOLISH A REAR-YARD SHED AND TO CONSTRUCT A TWO-STORY, 1500 SQUARE FOOT ADDITION TO THE EXISTING PRECITA VALLEY COMMUNITY CENTER; IN AN R-3 AND PROPOSED RH-2 USE DISTRICT AND IN A 40-X HEIGHT AND BULK DISTRICT. (EE77.151)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has 9,800 square feet of lot area and is occupied by the Precita Valley Community Center. The Community Center consists of a main building covering 3,000 square feet of the lot and a one-story shed with kitchen and a small room. The applicants proposed to demolish the shed and to construct a two-story, 1500 square foot addition at the rear of the main building. Mr. Steele indicated that the community center became an automatic conditional use in 1960.

Albert R. Thompson, one of the owners of property located at 63 Mullen Avenue, read and submitted the following prepared statement:

"We are the property owners of 63 Mullen Avenue. Our property and 534 Precita Avenue (The Precita Valley Community Center) share a north-south common property line and our property looks directly down on the rear yard of the Center. We most definitely have an interest in the proposed construction.

"We wish to go on record as having no objection to the application request to demolish an existing rear yard shed and construct a two story, 1500 square foot addition to the existing Precita Valley Community Center.

"We feel that the approval of the proposed permit and the construction of the addition would be of great benefit to the Precita neighborhood and the City of San Francisco."

Mary Ann Roberts, 560 Precita Avenue, stated that the kids who use the community center have thrown rocks at her house and have been responsible for other unsettling activities.

Esteban Contreras, Executive Director of the Mission Neighborhood Center, Inc., advised the Commission that the Precita Valley Community Center is the only facility available for young people in the neighborhood. He also indicated that the Director of the Community Center is trying to provide better supervision of the youngsters who use the facility.

Ms. Roberts stated that the problems usually occur after the center is closed for the evening. The kids have broken windows and have committed other acts of vandalism. The problem has become so bad that one of the neighboring property owners has been unable to sell his property.

Mr. Contreras stated that the community center should not be held responsible for actions which take place after the facility has been closed. He emphasized that the center does provide supervision when it is in operation.

Commissioner Starbuck asked Ms. Roberts if she thought that it would be helpful if the center were closed at an earlier hour in the evening. Ms. Roberts replied in the affirmative and stated that it would also be helpful if the center would keep the youngsters inside when it is in operation.

Mr. Contreras stated that youngsters who come into the building can be involved in one of the center's programs; however, the center has no control over youngsters who hang around the outside of the building.

Commissioner Bierman suggested that the applicants should make an effort to resolve the type of problems which had been mentioned by Ms. Roberts. She asked if youngsters using the facility come from the subject neighborhood. Mr. Contreras replied that the youngsters come from the Army Street public housing project, the Precita Park area, and from the other side of Bernal Hill. He indicated that the proposed addition to the community center would provide more space for additional workshops.

President Lau remarked that the Commission occasionally comes upon a worthwhile youth organization which places a burden on adjacent property owners; and, in such cases, it has been the practice of the Commission to urge representatives of the organization to meet with representatives of the neighborhood to discuss the problems. He doubted that anyone would be opposed to a worthwhile youth organization; and he believed that the problems which had been cited by Ms. Roberts could be resolved if communication were established between the staff of the community center and residents of the neighborhood.

Mr. Steele stated that the subject community center was given automatic conditional use status in 1960; and, as a result, the authorization for the use could not be revoked. He recommended that the subject application be approved subject to two specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Smith, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7769 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

DR77.40 - 1547 PAGE STREET, SOUTH LINE, 165 FEET EAST OF ASHBURY STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUEST FOR
AUTHORIZATION TO CONVERT THE GROUND FLOOR UNIT OF AN EXISTING
THREE-STORY RESIDENTIAL BUILDING INTO OFFICES FOR A PRIVATE
SCHOOL; IN AN R-3.5 AND PROPOSED RM-1 USE AND A 40-X HEIGHT
AND BULK DISTRICT. (EE77.144)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has 3,437 square feet of lot area and is occupied by a three-story, three-family building with a garage with two parking spaces in tandem. The applicant's proposal was to convert the five-room flat on the first floor of the building for use as offices for the Urban School which is moving into the building next-door at 1563 Page Street. The building at 1563 Page Street was a non-conforming tire company for many years but was most recently occupied by the Mobile School. After May 20, 1976, the building became an automatic conditional use school; and that status would continue with occupancy by the Urban School. The proposed office use of the dwelling unit at 1547 Page Street had come before the Commission because that property is located in a residential district.

Commissioner Bierman asked if the authorization to use the dwelling unit for offices was being requested for a specific period of time. Mr. Steele replied in the negative.

Commissioner Bierman then asked if the unit which would be used for offices is presently occupied.

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Robert Hersey, architect for the applicant, replied that the unit had been occupied by the former owner of the building; however, it is presently vacant. He indicated that the Urban School had been forced to relocate from its previous building at 2938 Washington Street; and the school hoped to be installed in the new quarters in time to be open for the fall semester. It is difficult to find a suitable location for private schools. He felt that private schools should be located in residential areas; yet reduction of the housing stock is against the City's policies. Furthermore, any building to be occupied by a school must meet certain code standards. As a result, the Urban School considered itself fortunate to have found the building at 1563 Page Street even though that building is a bit small and has no yard. After the lease had been signed for that building, the adjacent building was placed on the market and was purchased by the School. Moving the administrative offices of the school to that building would make the other building more usable. Furthermore, the rear yard of the property could be used as an outdoor area for the school. Even if the school were unable to obtain authorization to use the building, it was felt that the building could be sold in a couple of years without suffering any loss. The school had explored the possibility of acquiring properties to the rear of 1563 Page Street which front on Haight Street; but those properties were unavailable. If the Commission were willing to approve the subject application, he indicated that the school would be willing to accept conditions limiting the authorization to a specific period of time, prohibiting structural modifications of the building which would make it unusable for housing, establishing a requirement for landscaping of the rear yard of the property, and requiring the replacement of an illegal sign on the building at 1563 Page Street with a legal sign. He stated that the school would also like to have a small sign on the subject building identifying the fact that it houses the office of the Urban School.

Henry Mayer, Interim Headmaster of the Urban School, stated that the school has been in existence for 11 years. He indicated that it has an innovative program. Students attend one class each morning and a second class each afternoon for a six-week period; and the length of the classes provides an opportunity for getting the students out of the classroom and into the city so that the environment can be used as a resource. He stated that the school was excited by the prospect of being located in the Haight-Ashbury neighborhood because the neighborhood has more urban characteristics than the neighborhood in which the school had been located. He advised the Commission that the school is attended by students from all parts of the City as well as from the East Bay and Marin County. He indicated that use of the yard on the subject property would be important since the school has a botany class which has gardening activities.

Pamela Thiebot stated that Urban School hoped to use the subject building for offices for the Director of the School, for herself, for an administrative assistant, and a secretary. In addition, one of the rooms would be used as a conference room. She emphasized that it was extremely important that the offices of the school be located next door to the school itself.

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Emily Levy, a student of the Urban School, stated that she had been helping the school move and had been exploring the neighborhood as well. She stated that she had talked with residents of the neighborhood; and she had heard of no objection to the proposed use of the subject building.

Rosalyn Lodge, a resident of the neighborhood, stated that the area has experienced a lot of changes in the last few years and presently has a large number of transient residents. She felt that the Urban School would be an asset for the neighborhood; and she hoped that it would draw more families to the area.

Commissioner Dearman, noting that the subject neighborhood has a serious parking problem, asked if members of the school's staff drive to work. Ms. Theibot replied that the school encourages both staff members and students to use public transportation and provides information as to the alternate routes available. Recognizing that the subject neighborhood does have a parking problem, the school intended to find indoor parking spaces for its buses.

Mr. Mayer stated that the majority of the students of the school either use public transportation or walk to school.

President Lau inquired about the duration of the leasehold for the building at 1563 Page Street. Mr. Hersey replied that the school has a one-year lease with option for a three to five year renewal. He indicated that the owner of the building had been unwilling to sell it at the present time.

Mr. Steele recommended that the application be disapproved. He emphasized that the first objective of the residence element of the Comprehensive Plan of the City is to preserve, improve and maintain the existing housing stock in order to retain the existing characteristics of residential neighborhoods; and that element also contains a policy that disruption caused by moving educational institutions into residential areas should be minimized. He noted that the proposed project would remove one flat in an existing residential building from the housing stock in order to develop ground floor offices and rear yard gardening and study area for the Urban School; and he did not feel that the applicants had sufficiently demonstrated that office space is not available in more appropriate zoning districts. Commissioner Bierman moved that the subject application be disapproved. While she regretted turning the school down, she emphasized that the subject neighborhood does have a housing shortage. Furthermore, she noted that the subject block already has several institutional uses; and she felt that the residential uses remaining in the block should be kept for residential occupancy.

The motion was seconded by Commissioner Starbuck. He explained that he had consistently been opposed to institutional expansion into residential areas.

Commissioner Dearman felt that the proposed use could not have a harmful effect on the neighborhood, given the fact that the subject block has several institutional uses already.

Commissioner Rosenblatt, noting that representatives of the school had stated that they would be willing to accept a specific time limit for the conditional use authorization, asked what the school would do after the authorization expires. Mr. Hersey replied that the school would have to find a new location since it would not be possible to accommodate the school in the building at 1563 Page Street after two or three years have elapsed. However, if the Commission were to grant the conditional use authorization for a two- or three-year period, the school would at least have an opportunity to find a more appropriate location. Commissioner Rosenblatt noted that the Commission had recently authorized temporary use of a residential building on 25th Avenue for offices of another private school; and, in order to be consistent, he felt that the Commission should allow use of the subject building by the Urban School for a limited period of time. Since the school needs to be open in September, the school would have a difficult time finding an alternate location.

President Lau emphasized that the Commission would not look favorably on any request for extension of the authorization if the authorization were to be granted by the Commission on a temporary basis. While no one from the audience had spoken in opposition to the proposed use, it is the policy of the City Planning Commission to preserve the City's housing stock.

When the question was called on the motion to disapprove the subject application, the motion failed by a vote of three to four. Commissioners Bierman, Smith, and Starbuck voted "aye"; Commissioners Dearman, Elliott, Lau, and Rosenblatt voted "no".

Subsequently, it was moved by Commissioner Dearman and seconded by Commissioner Rosenblatt that the application be approved subject to the following conditions:

"1. That this authorization for the conversion of the bottom flat of a 3 family house to administrative offices for the Urban School is for a period of three years. That a staff review by the Department of City Planning will be undertaken two years following the date of approval.

"2. That there shall be no modification of the building which will result in any change in the three-family residential character of the building.

"3. That all buildings owned or used by the Urban School shall be maintained in a manner appropriate with the neighborhood.

"4. That no signs shall be placed on the subject property except for a 2-square foot identifying sign for identification of the school offices.

"5. That the rear yard shall be landscaped and maintained in a manner consistent with the neighborhood."

When the question was called, the Commission voted 5 to 2 to adopt Resolution No 7770 and to approve the application subject to the above-mentioned conditions. Commissioners Dearman, Elliott, Lau, Rosenblatt, and Smith voted "Aye"; Commissioners Bierman and Starbuck voted "No".

Commissioner Rosenblatt requested that one of the whereas clauses of the resolution contain mention of the fact that the temporary approval of the use would give the school time to find a more suitable location so that the dwelling unit could be returned to residential use.

At 3:00 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 3:10 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.36 - 780 SOUTH VAN NESS AVENUE, WEST LINE, 75 FEET NORTH OF 19TH STREET. REQUEST FOR AUTHORIZATION FOR CONSTRUCTION OF A FIVE-UNIT RESIDENTIAL BUILDING ON A LOT HAVING AN AREA OF 5,512 SQUARE FEET; IN AN R-4 AND PROPOSED RH-3 USE AND A 50-X HEIGHT AND BULK DISTRICT. (EE77.152)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the applicant had not yet submitted revised plans which would conform to the City Planning Code; and, after the plans are received, they will have to be made the subject of an environmental evaluation. Under the circumstances, he recommended that this matter be postponed until the meeting of August 4, 1977, at 2:00 p.m.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that this matter be postponed until the meeting of August 4, 1977, at 2:00 p.m.

ZM77.8 - 2548-2566 CALIFORNIA STREET, NORTH LINE, 129 FEET EAST OF PIERCE STREET AND 175 FEET WEST OF STEINER STREET.
R-4 AND PROPOSED RH-2 TO A C-2 DISTRICT. (EE77.152)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of four lots. He indicated that the application had been filed to allow the continued use of the ground floor level of the buildings occupying the lots for commercial purposes and to convert the ground floor of the building at 2548 California Street to a real estate office and the second floor of that building to a psychiatrist's office. He noted that the subject property had been included in a rezoning application filed by the Pacific Heights Association in 1976. On February 3, 1977, the City Planning Commission had declared the area affected by the Pacific Heights application to be a major sub-area of the City and had thereby extended the effective date of the application until March 28, 1978. As a result, if the application presently under consideration by the Commission were to be approved, the R-2 zoning request by the Pacific Heights Association would still continue in effect and the Commission's approval of the application would not actually change the current status of the zoning of the property.

Glen Groff, one of the applicants, stated that he owns the property at 2548 California Street. While he had originally intended to convert both floors of the building on that property for commercial use, he indicated that his present intention was to use only the first floor of the building for commercial purposes and to restore residential use to the second floor of the building. He stated that the purpose of the application was to allow continuation of existing commercial uses on the property beyond the May 2, 1980 termination date; however, based on information which he had received from the Department of City Planning, it was his understanding that some of the commercial uses might be allowed to remain beyond May 2, 1980 in any case.

Mr. Steele stated that a blue information sheet had been mailed to owners of buildings occupied by certain non-conforming uses along with a legally required notice of the termination date for those uses. The information sheet had indicated that the Department of City Planning has been considering amendments to the City Planning Code which would allow certain types of non-conforming uses to remain automatically in residential areas beyond the termination date presently in effect. He emphasized, however, that the matter was still being studied and that no formal policy action had been taken. If the City Planning Code were to be amended by the City Planning Commission in the future, some of the non-conforming uses occupying buildings on the subject properties might qualify for automatic extension. With that thought in mind, and in view of the fact that reclassification of the property to C-2 would have no effect because of the pending application filed by the Pacific Heights Association, he suggested that the applicants might wish to withdraw the subject application.

President Lau asked Mr. Steele if he felt that some of the uses occupying the subject properties should be allowed to continue beyond 1980. Mr. Steele replied in the affirmative, indicating that he felt that some of the uses contribute to the quality of the neighborhood.

President Lau remarked that the staff is spending a great deal of time on the non-conforming use issue; and he felt that the staff would deal with the subject properties in a fair manner as it proceeds to formulate its recommendations for amendments to the City Planning Code which would allow certain types of non-conforming uses to remain automatically in residential areas beyond their present termination dates.

Commissioner Starbuck asked if the applicants would be precluded from re-filing for reclassification of the properties to C-2 if the subject application were to be withdrawn. Mr. Steele replied in the negative, indicating that a new application could be submitted at any later time if the present application were to be withdrawn. However, if the subject application were to be disapproved, the applicants would not be able to re-file for one year.

Mr. Groff stated that he would be willing to withdraw the subject application.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7771 be adopted accepting the withdrawal of the subject application with prejudice.

ZM77.9 - 2300-2350 JUDAH STREET, NORTH LINE, BETWEEN 28TH AND 29TH AVENUES.
R-3 AND PROPOSED R-C-1 TO A C-2 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of five lots with a total frontage of 240 feet on Judah Street and a total area of 19,687.5 square feet. The lot at the northwest corner of Judah Street and 28th Avenue is occupied by a non-conforming gasoline service station. The remaining four lots are occupied with non-conforming commercial uses. The applicant had requested that the properties be rezoned to R-3-C to allow for the construction of a ten-unit building with two stores at the northwest corner of Judah Street and 28th Avenue on the site of the existing non-conforming service station. The remaining non-conforming commercial uses on the other lots would be permitted to continue indefinitely under R-3-C zoning standards since they are limited to the ground level of the buildings in which they are located. In conclusion, Mr. Steele stated that the environmental evaluation of the subject application had not yet been completed; and, as a result, final action on the application could not be taken by the Commission until the meeting of July 14.

Commissioner Dearman inquired about the appearance of the 28th Avenue facade of the proposed building.

Mr. O'Brien, the applicant, displayed and described a rendering of the proposed building. He also indicated that the entire curb spaces on Judah Street and 80 feet of curb space on 28th Avenue would be available for on-street parking. In reply to a question raised by Commissioner Starbuck, Mr. O'Brien stated that there would be approximately 160 linear feet of curb-side parking space adjacent to the corner lot after the proposed building has been constructed.

Teresa Crivello, 1375 - 28th Avenue, stated that she would prefer to have the new building contain flats rather than the small apartments which were being proposed; but she recognized that apartments are more economical to construct than flats. She indicated that she did object to the commercial uses being proposed for the new building. She remarked that the Sunset District is one of the best areas of the city in which to raise children; and new commercial uses would bring additional cars, people, and litter to the neighborhood. She informed the Commission that people who work on Judah Street park their cars on the Avenues; and she felt that the commercial uses being proposed for the new building would increase the parking problem in the area.

Bill Wright, Vice-President of the Judah Street Merchants and Property Owners Association, stated that people from other areas park in the subject neighborhood in order to take the streetcar downtown. Furthermore, new rails are being installed on Judah Street. As a result, the area does have a parking problem. However, he did not feel that the proposed project would add significantly to the parking problem.

A resident of the subject neighborhood stated that he lives around the corner from the subject property and indicated that he supported the proposed construction of the new building.

Mr. Steele stated that he would be prepared to recommend that the subject application be approved by the Commission at its next meeting on July 14. In approving a request for rezoning, no conditions can be established; however, he indicated that the staff would monitor the plans for the proposed building.

Richard Hunt, operator of a business at 30th Avenue and Judah Street, stated that the people in his office were in favor of the proposed rezoning, particularly in view of the fact that the block has been used commercially in the past.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the public hearing on this matter be closed. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the Commission announce its intention to approve the subject application at its next meeting on July 14, 1977.

ZM77.10 - 400-498 FRANCISCO STREET, 2300-2310 MASON STREET, 5-99 VANDEWATER STREET, AND 2201-2215 POWELL STREET, BEING PROPERTIES BOUNDED BY FRANCISCO, MASON, VANDEWATER, AND POWELL STREETS.
R-4 AND PROPOSED R-C-3 TO A C-2 OR AN R-4-C DISTRICT. (EE77.172)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject properties which constitute the southern half of Assessor's Block 41. The properties are occupied by 18 buildings consisting of seven residential buildings, three office buildings, and eight commercial buildings, some of which have flats on the upper floors. Nine of the businesses have non-conforming use status with termination dates between 1990 and 1993. The application had been filed by the Communications Workers of America, owners of the property at 2300 Mason Street. Under C-2 or R-4-C zoning the existing commercial uses could continue indefinitely as conforming uses.

Commissioner Dearman asked if reclassification of the property to R-4-C would allow the Communications Workers of America to continue occupancy of their building at 2300 Mason Street. Mr. Steele replied in the affirmative.

Commissioner Dearman then stated that she would be opposed to having any of the residential units on the upper floors of buildings on the subject property converted to commercial uses. Mr. Steele stated that conversion to commercial uses at the upper levels of the buildings would require conditional use authorization from the Commission under R-3-C zoning and would not be allowed under R-4-C zoning. However, upper level commercial uses would be permitted automatically under C-2 zoning.

Mrs. LaRocca, 410 Francisco Street, stated that she and other residents of the neighborhood would be opposed to C-2 zoning for the subject property. However, since they wished to have the character of the neighborhood stay the same as it is now, they would not object to R-4-C zoning for the properties. She stated that she likes the restaurants and stores which exist in the area; and she hoped that they could be retained.

Mr. Goodfellow, a resident of the neighborhood, stated that he would object to the introduction of any additional "industrial" uses in the area; and, as a result, he felt that the present R-4 zoning of the property should be retained.

Commissioner Bierman asked if there will be an R-4 district under the new residential zoning standards.

Mr. Steele replied in the negative but indicated that the proposed RM-4 district would be approximately equivalent to the existing R-4 district.

Michael J. Flynn, representing Communications Workers of America, the applicants, stated that the purpose of the subject application was to preserve the status quo in the neighborhood. He believed that both the staff of the Department of City Planning and the City Planning Commission would recognize the fact that the existing R-4 zoning is not compatible with the actual character of development in the neighborhood. It had seemed to his clients that the most appropriate zoning for the properties would fall somewhere between C-2 zoning and R-4-C zoning; and, for that reason, they had filed an application which would permit a change to either of those two zoning districts. He noted that he had distributed photographs of the neighborhood to the Commission which clearly demonstrated the commercial character of the area.

Mr. Steele recommended that the request for reclassification of the properties to C-2 be disapproved and that the request for reclassification of the properties to R-4-C be approved.

Commissioner Starbuck noted that the Commission had received a letter from the President of the Telegraph Hill Dwellers expressing support for the proposal to reclassify the subject properties to R-4-C.

Nan Roth, Co-Chairman of the Zoning Committee of the Telegraph Hill Dwellers, stated that she was present in support of the proposal to rezone the properties to R-4-C.

After further discussion, it was moved by Commissioner Rosenblatt and seconded by Commissioner Elliott that the request for reclassification to C-2 be disapproved and that the request for reclassification to R-4-C be approved.

Commissioner Dearman again asked to be assured that the proposed R-4-C zoning would not allow conversion of the residential units on the upper floors of the subject lots to commercial uses.

Mr. Steele replied that no new upper floor level commercial uses could be introduced until the new residential zoning standards are put into effect, at which time the zoning of the subject properties will revert to R-C-3; and, even under R-C-3 zoning, new upper level commercial uses would require conditional use authorization from the Commission.

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When the question was called, the Commission voted unanimously to adopt Resolution No. 7772 disapproving the request for reclassification of the subject properties to C-2 and approving the request for reclassification of the properties to R-4-C.

EE77.304 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE TRANSPORT/STORAGE PROJECT, WASTEWATER MANAGEMENT PROJECT IX, INVOLVING A CONSOLIDATION SEWER UP TO 50 FEET WIDE BY MORE THAN 30 FEET DEEP UNDER THE UPPER GREAT HIGHWAY; A PUMP STATION APPROXIMATELY 20 FEET HIGH, 65 FEET WIDE, AND 230 FEET LONG, SOUTH OF SLOAT BOULEVARD; ASSOCIATED SEWERAGE FACILITIES; AND RECONSTRUCTION OF THE UPPER GREAT HIGHWAY FOLLOWING CONSTRUCTION OF THE PROPOSED SEWER PROJECT COMPONENTS. (UNDER ADVISEMENT FROM MEETING OF JUNE 21, 1977.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Comments and Responses section of the Draft Environmental Impact Report had not yet been completed. Therefore, he recommended that this matter be continued under advisement until the Commission's meeting on July 14, 1977.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Elliott, and carried unanimously that this matter be continued under advisement until the meeting of July 14, 1977.

The meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, July 14, 1977.

The City Planning Commission met pursuant to notice on Thursday, July 14, 1977, in Room 282, City Hall, at 2:15 p.m.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Romaine Smith, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Marie Zeller, Planner III; Alan Billingsley, Planner II; William Oman, Planner II; Mark Winogrand, Planner II; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Harry Johanneson represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the regional planning committee of the Association of Bay Area Governments (ABAG) will soon be scheduling public hearings on an updated version of ABAG's Regional Plan.

The Director reported that ABAG's Environmental Management Plan is also nearing completion and that the Board of Supervisors had adopted a resolution requesting the Department of City Planning to conduct an analysis of the policy implications of the plan locally and to obtain local community input regarding the plan. The Director stated that he intends to ask for authorization from the Commission and the Board of Supervisors to apply for funds which are available to assist the Department in this project.

The Director reported on a meeting which he had attended during the past week with representatives of the Chamber of Commerce. He indicated that the Chamber had expressed interest in monitoring one or two sites which have development potential to determine the ability of City government and the private sector to cooperate. One of the sites in which the Chamber had expressed interest was the former Playland at the Beach property.

The Director advised the Commission that a letter to the Commanding Officer of the Presidio is being processed which will request confirmation of the Memorandum of Understanding between the City and the Presidio.

The Director announced that the first meeting of the new Northeast Waterfront Advisory Committee will be held next Monday, July 18, at 4:00 p.m. in the Port Commission meeting room.

The Director reported that he had attended a meeting of the Community Development Advisory Committee last Thursday to discuss the Department of City Planning's request for Community Development funds for 1978. He indicated that the proposed budget for the Department of City Planning emphasizes neighborhood planning activities in high-need areas.

The Director reminded the Commission of a field trip scheduled for next Thursday, July 21, at 12:00 noon, with the San Francisco Council of District Merchants Associations.

Commissioner Starbuck announced that a model of the new building proposed for the City of Paris site will be unveiled next Monday, July 18, at 9:30 a.m.

Commissioner Starbuck requested the staff of the Department of City Planning to advise the Commission of what review powers it will have over the medical office building proposed by St. Mary's Hospital at the close of current litigation.

Commissioner Starbuck noted that the Commission had received a letter from the Mission Planning Council expressing concern about proposals for re-use of the former Sears store at 3120 Mission Street; and he suggested that it might be appropriate for the Implementation Committee of the Commission to schedule a special meeting to discuss the matter with interested parties. After discussion, President Lau requested that a special meeting of the Implementation Committee (Commissioners Starbuck, Bierman, Rosenblatt) be scheduled at 11:00 a.m. next Thursday, July 21, to discuss alternatives for re-use of the building with interested parties.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO SUBMIT A SUPPLEMENTAL APPROPRIATION REQUEST FOR FUNDS FOR RESIDENTIAL ZONING STUDY REPORT AND NOTICES.

Mark Winogrand, Planner II, recommended the adoption of a draft resolution which contained the following resolved clause: "Now therefore be it resolved, that the City Planning Commission does hereby authorize the Director of Planning to request a supplemental appropriation in the amount of \$24,000 to cover postage and miscellaneous costs involved in getting individual notice to property owners of zoning changes being proposed as a result of the Residential Zoning Study."

He noted that funds for the final report of the Residential Zoning Study and for individual notice to property owners affected had previously been deleted from the budget of the Department of City Planning. Subsequently, the Commission had received a letter from Supervisor Barbagelata, Chairman of the Board of Supervisors' Finance Committee, requesting that the Commission consider appropriate amendments to the City Planning Code which would result in less extensive forms of public notice when large numbers of property owners may be affected by a zoning reclassification proposal. Those amendments to the City Planning Code had been considered by both the City Planning Commission and the Board of Supervisors and had been disapproved by both bodies. As a result, funds would be required to provide notice to individual property owners of the proposed city-wide reclassification of residential properties. Mr. Winogrand stated that it was the intention of the staff of the Department of City Planning to give public notice in the form of a sixteen-page newsprint tabloid which would contain 13 maps and 3 pages of proposed Planning Code text.

During Mr. Winogrand's presentation, Commissioner Starbuck absented himself from the meeting room.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7773. Commissioner Starbuck was absent when the vote was taken.

DR76.10 - 2040 LAGUNA STREET, EAST SIDE, 72.7 FEET SOUTH OF SACRAMENTO STREET.
CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 457813 FOR A 15-UNIT DWELLING IN AN R-4 ZONING DISTRICT PROPOSED FOR RECLASSIFICATION TO R-2 AND RH-2.

Marie Zeller, Planner III, referred to land use and zoning maps to describe the subject property which has dimensions of 60 feet by 105.25 feet for a total lot area of 6,315 square feet. The lot is vacant except for a set of concrete stairs which apparently led to the house which occupied the site before it was razed. The applicant proposed to construct a 15-unit apartment building on the site with off-street parking for 22 automobiles. The proposed building would be four stories in height and would contain 7 two-bedroom units and 8 one-bedroom units. When the original building permit application was filed on March 25, 1976, the R-4 zoning would have allowed construction of 32 units on the site; and the applicant had proposed a building with 22 units. On March 29, 1976, the Pacific Heights Association filed an application for a neighborhood reclassification which proposed R-2 zoning for the subject property. On May 20, 1976, the City Planning

Commission enacted the Interim Residential Zoning standards which placed the subject property in an RH-2 district. Under R-2 or RH-2 zoning, two dwelling units would be permitted on the subject site. The Pacific Heights Association had requested a discretionary review of the proposed project in letters dated May 5, 1976, and June 9, 1976. The applicant's architect had met with representatives of the Pacific Heights Association on January 10, 1977, and June 20, 1977. In addition, several telephone conversations had been held in an attempt to reach a compromise on the project. The applicant had reduced the number of units in the proposed building from 22 to 15 and had changed the type of units from efficiency and one-bedroom units to one- and two-bedroom units. The applicant had retained 22 off-street parking spaces for the project in response to the Pacific Heights Association's concern that the project would create parking problems in the area.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the letter from the Pacific Heights Association dated June 9, 1976, had indicated that the desire for discretionary review was based upon the following factors:

"1. Although the zoning which existed when the application was filed was R-4, the application for downzoning by our organization came a few days later and was only delayed because of the necessity of obtaining duplicate lists of all property owners. Under R-2, the density allowed would be substantially less than is proposed by the owner and developer.

"2. The neighborhood is presently overstocked with studios and one-bedroom apartments. There is a shortage of larger apartments suitable for families with children.

"3. The proposed building design does not correspond to the architectural character of the neighborhood and erodes the neighborhood's feeling of cohesiveness; the liveability of our neighborhood would be adversely affected because of its high density.

"4. It is contemplated by the developer that the garage will require excavation below the depth of adjoining property foundations. If fewer units were placed on the property fewer parking spaces would be needed, and such deep excavations would be unnecessary.

"5. We have been informed that part of the open space requirement is to be met by the roof of the garage. Such a travesty on open space should not be allowed. The surrounding rear gardens are well landscaped, and in some cases connect to form common open space. An over-the-garage open space would be inconsistent with the surrounding properties.

"Environmental considerations are also extremely important. The following two points, we believe, make it essential that an environmental impact report be prepared:

"1. The area in which the project is to be located is already exceedingly dense. Parking on the streets is very difficult, and the present situation would be exacerbated by twenty-two more units;

"2. Public services to the site will have to be increased substantially to meet the demands of twenty-two units."

In response to the issues raised by the Pacific Heights Association, Mr. Steele stated that an application for reclassification of property does not become effective until it is perfected; and, as a result, R-4 zoning was in effect for the subject property at the time that the building permit application was filed. Because of the Association's concern about the need for larger apartment units in the neighborhood, the applicant had revised his plans to provide one- and two-bedroom units instead of efficiency and one-bedroom units. While the Pacific Heights Association had contended that the design of the proposed building would not be compatible with the character of the neighborhood, he pointed out that there is a great mixture of uses and architecture in the neighborhood which makes the neighborhood difficult to characterize; and, as a result, the staff of the Department of City Planning would not agree that the building would be incompatible with the area. He indicated that it was true that excavation would be required for the proposed building and that the excavation would not be needed if fewer units were proposed in the building. The garage structure would extend a maximum of three feet above the ground in the rear yard area; and the roof of the garage would serve as a backyard patio. In any case, the rear yard portion of the subject property does not connect with adjacent open space to any significant extent. With regard to the reasons cited in support of the need for an Environmental Impact Report for the proposed project, Mr. Steele noted that the applicant had attempted to ameliorate the parking problem in the area by retaining 22 off-street parking spaces while reducing the number of dwelling units to 15; and he did not feel that a 15-unit building would significantly increase the need for public services. He noted that the proposed project would be in conformity with the zoning which was in effect at the time that the building permit application was filed; and, since the filing of the permit, the applicant had reduced the number of units in the building, had changed the design of the building, had maintained the original number of parking spaces, and had prepared plans for the installation of landscaping of the site. Therefore, he recommended that the request for discretionary review of the building permit application be denied.

During the course of Mr. Steele's presentation, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table.

Commissioner Rosenblatt asked how the Commission could be assured that the modifications proposed by the applicant would be put into effect. Mr. Steele replied that all of the modifications with the exception of the landscaping would be reflected on the plans which would be reviewed and acted on by the staff of the Department of City Planning.

Ron Arliss, President of the Pacific Heights Neighborhood Council, stated that his organization had never been contacted by the applicant; and he indicated that they would like to have an opportunity to review the plans. Therefore, he hoped that the Commission would grant the request for discretionary review of the plans.

Craig Beckstead, representing the Pacific Heights Association, read the following letter which had been prepared by John C. Walker, President of the Association:

"The PACIFIC HEIGHTS ASSOCIATION has fought long and hard to reduce height and density limits South of Lafayette Park. The Molera House was lost, but the California Street Victorian houses were saved from a proposed 80 foot height limit. Now, we seem to be losing again because a permit application pre-dated our request for downzoning by days. At the time the permit was applied for we had the assurance of the Planning Department that pending our downzoning application, no permits would be allowed to slip through.

"The block in question is essentially RH-2 in nature with larger buildings on the corners of California and Sacramento Streets, and although the developers have substantially reduced the number of units originally contemplated and provided a handsome exterior, we still feel that the impact of 15 units on such an isolated block will be disruptive to the existing pattern of development. We would hope for the following considerations:

1. A further reduction in the number of units, preferably to ten (10).
2. A stepping down of the structure toward the South by one (1) floor.
3. A continuation of the Laguna Street architectural treatment on the exposed South end and East facades."

Mr. Beckstead stated that the property on which he resides abuts the subject property. He advised the Commission that the rear yard areas of properties fronting on California Street in the subject block do join together to form a common open space; and he indicated that the owners of those properties objected to construction of the covered parking structure in the rear yard area of the subject property. In reply to a question raised by Commissioner Bierman, he stated that the adjacent property owners did understand that the garage structure would project a maximum of three feet above the ground; however, he did not feel that landscaping which was proposed for the top of the garage structure would be in keeping with the landscaping in the adjacent Victorian Gardens. While 32 dwelling units would have been permitted on the subject property under R-4 zoning, he doubted that it would have been possible to construct that many units on the site; and, as a result, he felt that 22 dwelling units should be accepted as the realistic maximum development potential of the property. He was pleased that the applicant had changed the type of units in the proposed building from efficiency and one-bedroom units to one- and two-bedroom units. However, the units which were now being proposed would be quite small; and he did not feel that they would attract permanent residents or contribute to the cohesiveness of the neighborhood. Furthermore, the subject neighborhood already has an extremely high vacancy rate for the type of dwelling units being proposed. He indicated that the applicant had already demolished two victorian buildings which previously stood on the subject block; and he stated that the Commission had received correspondence from other residents of the block expressing their opposition to the proposed project.

John Burnard, representing the 2131-71 Sacramento Street Association, stated that the membership of his association consists of thirteen property owners. He indicated that the association had met last Monday to discuss the proposed project. They were pleased that the applicant had reduced the number of dwelling units in the proposed building and that he had proposed to retain the original number of off-street parking spaces; however, they questioned whether the parking spaces being proposed would be large enough to meet code requirements. He emphasized that the subject neighborhood has serious parking problems and noise problems; and he indicated that fire trucks sometimes have a problem on Laguna Street. He believed that the traffic which would be generated by fifteen additional dwelling units would create an additional hazard in the area. Since only two dwelling units would be allowed under the zoning which presently pretains to the subject property, he felt that the applicant should be encouraged to reduce the number of units in the proposed building.

Arthur Mayer, the owner of the subject property, stated that he had conferred with the Pacific Heights Association over the past year;

and he indicated that he had attempted to modify plans for the proposed building to meet the concerns which had been expressed by that association. He stated that some of the dwelling units in the proposed building would contain 1100 square feet of floor area; and he felt that units of that size should be considered quite large in comparison to what is generally constructed.

Donald Sandy, architect for the applicant, stated that work on plans for the proposed project had commenced on November 20, 1974; and he noted that a great deal of time had been spent on the project. He believed that the design of the proposed building was cohesive and that the building would fit into the subject neighborhood. He indicated that two-bedroom units generally contain between 850 and 950 square feet of floor area; however, the proposed building would contain some units which would have as much as 1100 square feet of floor area. In conclusion, he stated that the off-street parking spaces had been designed to meet code standards.

Commissioner Bierman stated that it seemed to her that a reduction of the number of units in the building from 22 to 15 represented a fair compromise. However, she observed that residents of the area might prefer to have a real backyard at ground level as opposed to the additional parking spaces which the applicant was proposing to provide.

Mr. Steele stated that the parking garage would have two levels; and, in view of the way that it had been designed, he doubted that it could be reduced in size and still be effective for its purpose.

Mr. Sandy stated that it would probably be possible to redesign the building to provide for 15 dwelling units and only 15 off-street parking spaces. However, the redesign would be costly; and it is clear that additional parking is needed in the subject neighborhood. He suggested that a preferable alternative might be to intensify the landscaping proposed on the roof of the garage where the garage abuts adjacent rear yard areas.

Mr. Beckstead stated that he continued to object to the proposal for 15 dwelling units in the building. However, if that number of units were to be constructed, he felt that the seven additional parking spaces being proposed would be essential so that on-street parking would not be intensified. He indicated that additional landscaping adjacent to the rear yard areas of neighboring properties would be desirable; and he hoped that mature landscaping materials would be used. He also suggested that the treatment proposed for the Laguna Street facade of the building should be continued on the south and east sides of the building.

Mr. Sandy stated that the same architectural treatment would be used on all facades of the building.

Commissioner Rosenblatt stated that he would be prepared to move that the request for discretionary review be denied; however, he asked if the applicant would be willing to intensify the landscaping on the roof of the garage structure where that structure abuts adjacent rear yard areas. Mr. Sandy replied in the affirmative and indicated that he would be willing to work with the staff of the Department of City Planning in amending the landscaping plans.

Mr. Lau asked if the applicant would be willing to meet with representatives of the Pacific Heights Neighborhood Council to discuss the project. Mr. Sandy replied in the affirmative.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the request for discretionary review be denied.

ZM77.9 - 2300-2350 JUDAH STREET, NORTH LINE, BETWEEN 28TH AND 29TH AVENUES. R-3 AND PROPOSED R-C-1 TO AN R-3-C DISTRICT. (EE77.143)
(UNDER ADVISEMENT FROM MEETING OF JULY 7, 1977.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that the Commission had closed the public hearing on this matter during the meeting of July 7, 1977, and had indicated its intention to approve the application at its present meeting. He distributed a draft resolution of approval which had been prepared by the staff of the Department of City Planning for consideration by the Commission and recommended its adoption.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7774 and that the subject application be approved.

EE76.90 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PARKING STRUCTURE FOR 475 AUTOMOBILES IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART, AND HOWARD STREETS.
(UNDER ADVISEMENT FROM MEETINGS OF MARCH 31, APRIL 14, AND MAY 12, 1977.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the staff of the Department of City Planning had still not received materials from the applicants' consultant which were needed for completion of the Draft Environmental Impact

Report. This matter had been calendared on three separate occasions; and, since there was no indication that the required materials would be forthcoming in the foreseeable future, he recommended that the matter be postponed indefinitely. He remarked that the proposed project may be dead and that the Environmental Impact Report may never be completed.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that this matter be postponed indefinitely.

R77.10 - PROPOSED ACQUISITION OF PROPERTY BY THE SAN FRANCISCO PARKING AUTHORITY FOR CONSTRUCTION OF THE EMBARCADERO/ MISSION PARKING GARAGE.
(POSTPONED FROM THE MEETINGS OF MARCH 31, APRIL 14, AND MAY 12, 1977.)

Because consideration of the Draft Environmental Impact Report for this project was postponed indefinitely, this matter was also postponed indefinitely.

DR77.44 - 63 MULLEN AVENUE, NORTH SIDE, 230 FEET EAST OF ALABAMA STREET. CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705465 FOR A HORIZONTAL EXPANSION OF THE SECOND FLOOR LEVEL OF AN EXISTING BUILDING FOR BEDROOM, BATH AND BALCONY, THE REAR BUILDING WALL OF WHICH WOULD HAVE A HEIGHT OF APPROXIMATELY 26.5 FEET.
(CONTINUED FROM MEETING OF JUNE 30, 1977.)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the applicant and neighboring property owners had met with Robert Passmore, Planner V(Zoning), earlier in the week; and they had agreed to request a continuance of this matter until the Commission's meeting on August 11. Therefore, he recommended that the matter be continued until the meeting of August 11, 1977.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the meeting of August 11, 1977.

DR77.33 - 1110 GREEN STREET, NORTH SIDE, 68.75 FEET WEST OF LEAVENWORTH STREET.
CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 461880 FOR A THREE-UNIT DWELLING IN AN R-3 ZONING DISTRICT (PROPOSED FOR RE-CLASSIFICATION TO RH-3.)

Alan Billingsley, Planner II, referred to land use and zoning maps to describe the subject property which is an L-shaped parcel having a 28.75 foot frontage on Green Street and a 20 foot frontage on Hamlin Street for a total area of 3100 square feet. The property is vacant and slopes steeply upward from Green Street. The applicant proposed to construct a three-unit apartment building on the site. The building would be four stories in height and would be stepped up with the slope of the lot. Four garage parking spaces would be provided with access from Green Street. Pedestrian access would be through an easement from Leavenworth Street. A rear yard would be provided which would have a depth of 20 feet. In addition, an average front setback of six feet would be provided. The project would have a lot coverage of 53%. Substantial usable open space would be provided in the form of decks. The site is immediately bounded to the west by a four story building with two flats plus one illegal apartment and to the rear by a sixteen unit apartment building.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the discretionary review had been requested by Sheldon F. Chanes in a letter dated April 20, 1977. That letter had expressed the following objections to the proposed project:

"I respectfully request the San Francisco City Planning Commission to exercise their power of discretionary review and prohibit any building application from being approved and any building from occurring on this site for the following reasons:

- 1) Said lot is of illegal size for any construction, being only 28 feet wide.
- 2) Said lot was originally a city street, which the city has since vacated. The lot was never intended for a building site, and it has never been built upon.
- 3) Said lot is designed to be open space for the adjacent Lot 4, whose building covers nearly all of Lot 4.
- 4) Said lot is the only open and green space remaining on Russian Hill, and makes a considerable contribution to the neighborhood in terms of aesthetic value.
- 5) Construction on said lot would undermine adjacent structures due to poor soil quality, and such construction could make the proposed building structurally unsafe.
- 6) Proximity of proposed building to adjacent structures would create a fire hazard.
- 7) Proposed building would block air, light and view for adjacent and surrounding buildings.
- 8) New residents in the neighborhood would add to the already difficult parking situation.
- 9) Construction on said lot would create an environmental rodent health hazard.
- 10) The noise caused by new construction on this site would exceed permissible levels."

In response to the points raised by Mr. Chanes in his letter, Mr. Steele stated that the subject lot is not illegal and pointed out that the predominate lot width in San Francisco is 25 feet. The fact that the property had been sold by the City for development was attested to by the fact that the City had specifically imposed a height limit for any development which might occur on the site. He indicated that the subject property had formerly been a street right-of-way and that it had never served as open space for the adjacent property which is developed with a building which covers most of the property. The subject property is not the only open and green space remaining on Russian Hill. The responsibility for determining whether a proposed project may jeopardize adjacent buildings rests with the Bureau of Building Inspection; and, if that Bureau feels that problems may arise, they generally require that tests be made by soils engineers. Fire hazards may exist whenever buildings are constructed immediately adjacent to each other; however, that is the pattern throughout the city of San Francisco. Mr. Steele acknowledged that it was true that the proposed building would block air, light and views for adjacent and surrounding buildings to a certain extent. He also acknowledged that it was probably true that residents of the proposed building would add to parking congestion in the area. However, he noted that the applicant proposed to provide four off-street parking spaces whereas only three would have been required by the City Planning Code. With regard to the issue of a rodent health hazard, he remarked that one would normally expect that it would be more likely for a vacant lot to be infested with rats than for a new building to have rat infestation. Finally, he noted that the city has a noise ordinance; and, if construction on the site would cause noise exceeding permissible levels, such noise would violate established laws. On the basis of his evaluation of the issues raised by Mr. Chanes, he recommended that the request for discretionary review of the subject building permit application be denied.

Mr. Chanes, who was present in the audience, stated that he had signed a letter which had been submitted to the Commission under date of April 28; however, he indicated that the letter had been prepared by tenants of a building which he owns and by tenants of surrounding buildings. The letter had been precipitated by a meeting which the tenants had held with the applicant. He advised the Commission that Lots 4 and 5 had originally been separate lots but later came under common ownership and were merged. Subsequently the property was again separated into separate lots. Since the Planning Code now provides that new lots must have a width of 33 feet, he felt that the subject lots are illegal and that it would not be legal to build on them. He noted that the Commission had approved development plans which had been submitted by the previous owner of the property in spite of the fact that those plans violated the city's 12 foot height limit for the site; and he had hired an attorney who had contacted the City Attorney's Office on the matter and had prepared a report which is in the files of the

Department of City Planning. He stated that 85 people had signed a petition requesting that a discretionary review be held; and he indicated that most of those people are renters. Under the circumstances, he felt that it would be most unusual for the Commission to deny the request for discretionary review and to approve the development of a vacant property in an area which has no open space whatsoever. He stated that people who rent apartments in adjacent buildings do not want to lose the green trees which are located on the subject site; and he indicated that all of the adjacent buildings have windows along the property line which would be blocked if the proposed building were to be constructed. Finally, he stated that construction on the site would disturb mice and rats which would invade other properties in the area.

Gerald Falk, representing the applicant, stated that Mr. Chanes had told him that he would withdraw his request for discretionary review if the applicant were to construct an elevator which could be shared by the building which he owns. Mr. Falk indicated that the Assessor's records showed Lots 4 and 5 as separate lots prior to 1946; and, although they later came under common ownership, he felt that it was clear that they had always been considered to be separate entities. With regard to the issue of the height limit proposed by the Board of Supervisors in 1925, he reported that the city had not taken action to record a deed restriction limiting the allowed building height on the property; and, as a result, he felt that the height limit should be regarded as an earlier form of zoning which has since been superceded. In any case, he expected that that issue would have to be resolved by the Board of Supervisors or by the City Attorney.

Mr. Starbuck asked if the history of the subject property (Lot 5 in Assessor's Block 122) could be traced back to 1925. Mr. Falk replied in the affirmative, indicating that the lot has always appeared as a separate parcel in the Assessor's books even though it had later been merged with Lot 4 when the two lots were under common ownership. Applicable codes specify that current lot width requirements do not apply to lots which existed as separate lots prior to 1946. Furthermore, he felt that his client was protected by the State Subdivision Act.

Thomas Osborne, the applicant, stated that he had requested his architect to design a building which would meet the provisions of the City Planning Code and which would require no variances. If property owners are not to be allowed to develop projects which conform with existing laws, he felt that the laws must be wrong.

Commissioner Dearman stated that she could see no justification for conducting a discretionary review of the applicant's proposal for a three-unit building on the subject property.

Commissioner Bierman stated that she shared the opinion which had been expressed by Commissioner Dearman. She emphasized that the Commission, in undertaking a discretionary review, does not have the authority to take the position that a parcel of property should not be developed; and she did not feel that the process of discretionary review would bring about any significant alteration of the proposed three-unit building.

After further discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that the request for discretionary review of the subject building permit application be denied.

At 4:15 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 4:30 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.42 - 5175 DIAMOND HEIGHTS BOULEVARD, SOUTHEAST CORNER OF SAFIRA LANE.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7706036 FOR A 44-UNIT DWELLING IN AN R-3 ZONING DISTRICT (PROPOSED FOR RECLASSIFICATION TO PR) WITHIN THE DIAMOND HEIGHTS REDEVELOPMENT AREA.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), read the following letter which had been addressed to the Commission by Jerry Levitin, 1405 Douglas Street, under date of June 16, 1977:

"I would appreciate your commission hearing my protest and objection to application Number 7706036, address: 5175 Diamond Hts. Blvd.

"The history on the above is that B.R.B. Homes which is the applicant had their original permit revoked by the City, Mr. Robert Levy, after a hearing before the Board of Permit Appeal and after a writ before Judge Harry Low.

"They are now trying again to obtain another permit on the same basis (some minor changes) as the original permit.

"The impact of Diamond Heights by this proposed project will be extremely harmful. The area has grown up at a much faster rate than the master plan called for and if this plan were to be approved it would be three to six times greater in density than the adjacent property that has been approved by the Redevelopment Agency."

Mr. Steele also indicated that the subject property is located in the Diamond Heights Redevelopment Project Area; and he indicated that the Commission had received a letter from Wilbur W. Hamilton, Executive Director of the Redevelopment Agency, which read as follows:

"We are writing with regard to the B.R.B. Homes, Inc., development at 5175 Diamond Heights Boulevard, at the southeast corner of Safira Lane in the Diamond Heights Approved Redevelopment Project Area B-1. It is our understanding that it will be before the Planning Commission on July 14, 1977, for consideration of request for discretionary review of the building permit application No. 7706036 for the 44-unit dwelling project.

"The land for the development was purchased as one single parcel by B.R.B. Homes, Inc., and is considered one lot in meeting the requirements of the Redevelopment Plan. The preliminary building plans have been reviewed by the Agency.

"The permitted density in the Redevelopment Plan for this parcel is 281 Agency Rooms. An Agency Room is defined as a living room, bedroom or kitchen. The proposed 44-unit development contains a total of 164 Agency Rooms or 58.4 percent of the permitted density. Along Diamond Heights Boulevard, the buildings are two stories of residential above a garage, approximately 30' in height rather than the 75' permitted in the Redevelopment Plan.

"Upon completion of construction, the building will be sold as several condominium units. This method of sale is not in conflict with the requirements of the Redevelopment Plan.

"B.R.B. Homes, Inc., is under a contractual arrangement with the Agency with respect to the purchase and development of this property. The Agreement for Disposition of Land for Private Redevelopment was executed on July 2, 1976 and, pursuant to the agreement, the Agency conveyed the site to B.R.B. on August 2, 1976. The deed of conveyance provides that construction shall commence no later than February 2, 1977 and shall be completed by July 2, 1978.

"The Agency finds the development proposal to be in compliance with the Redevelopment Plan and supports the project."

Mr. Steele stated that the City and the Redevelopment Agency had entered a cooperative agreement concerning the Diamond Heights Redevelopment Project Area; and the terms of that agreement provide that the City shall accomplish any zoning changes which would be required to implement the approved Redevelopment Plan. If the City were to disapprove the subject building permit application, it would violate the terms of the cooperative agreement; and he had been advised by the City Attorney's

Office that the Commission would be exceeding its authority if it were to disapprove the building permit application. Therefore, he recommended that the request for discretionary review be denied.

Commissioner Dearman asked why the original building permit application for the project had been revoked. Mr. Steele replied that the permit had been approved in error. The project as originally proposed would not have provided a rear yard; however, the plans had since been amended so that they are now in conformity with the City Planning Code.

Commissioner Starbuck asked if the issue of the revocation of the original permit had gone before the Board of Permit Appeals. Mr. Steele replied in the affirmative and indicated that the Board had agreed that an error had been made and that the permit should be revoked. Commissioner Starbuck then asked if the matter had been taken to Superior Court.

Mr. Levitin, who was present in the audience, stated that he had appealed the issuance of the original permit to the Board of Permit Appeals based on the fact that no rear yard was being provided and that the project was in conflict with the Redevelopment Plan. The Board of Permit Appeals had agreed with the position which he had taken; however, the applicants had later taken the matter to Superior Court where the Board of Permit Appeals was sustained on both counts. While Mr. Steele had received one opinion from Mr. Kenealey of the City Attorney's Office, he indicated that he had received an opposite opinion from Mr. Marconi who had represented the City when the issue was before the Superior Court. Under the circumstances, he felt that a written opinion should be requested from the City Attorney as to the Commission's authority to conduct a discretionary review of the subject building permit application. In order to provide an opportunity for such a letter to be prepared, he hoped that the Commission would continue its consideration of the request for discretionary review until a future date.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Commissioner Starbuck asked how the proposed project would conflict with Redevelopment Plan. Mr. Levitin replied that the Redevelopment Plan had called for a single building to be constructed on the subject site. However, what was being proposed was 9 buildings which would be sold on a condominium basis.

President Lau stated that it was the consensus of the Commission that the City Attorney should be asked to prepare a written opinion concerning the Commission's authority to undertake a discretionary review of the subject building permit application.

Yale H. Smilyan, attorney for the applicant, stated that he regarded the request for discretionary review as an example of Mr. Levitin's delaying tactics. He advised the Commission that no final judgement had yet been rendered in the Superior Court case; and the only action taken by the Board of Permit Appeals was to confirm that the Department of City Planning had approved the original building permit application in error. He indicated that the applicant had redesigned the project so that a rear yard would be provided; and he indicated that the nature of the development and the proposal to sell the buildings on a condominium basis had been approved by the Redevelopment Agency. Furthermore, the project meets all of the requirements of the City Planning Code. Delays had already occurred; and further delay for preparation of an opinion by the City Attorney would have a detrimental impact on his clients. In view of the cooperative agreement which had been entered into by the City and the Redevelopment Agency, he did not feel that the City should undertake discretionary review of the subject building permit application; however, if the Commission has inclined to grant the request for discretionary review, he hoped that the Commission would make the decision during the present meeting instead of continuing the matter until such time as a City Attorney's opinion is available.

President Lau, noting that an application for the project had previously been approved in error by the staff of the Department of City Planning, stated that the Commission did not wish to make another mistake; therefore, he felt that the Commission should seek an opinion from the City Attorney before taking action on the request for discretionary review.

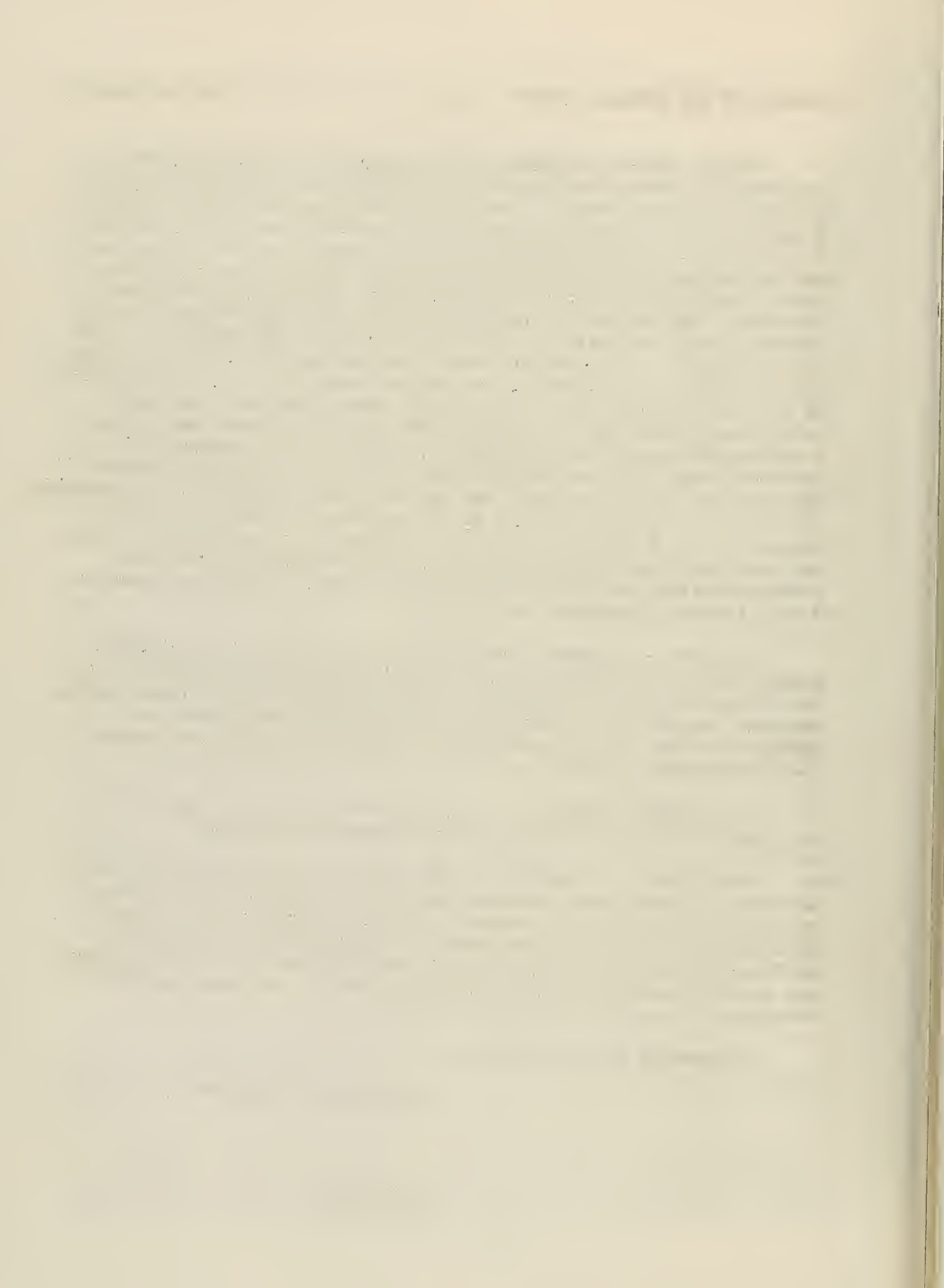
Mr. Levitin stated that he would file a brief with the City Attorney's office in order to help him render an opinion.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman and carried unanimously that the Director be instructed to request a written opinion from the City Attorney concerning the Commission's jurisdiction over the subject building permit application and that the consideration of the request for discretionary review of the application be continued until the Commission's meeting on August 4, 1977.

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



AUG 31 1977

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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, July 21, 1977.

The City Planning Commission met pursuant to notice on Thursday, July 21, 1977, at 12:00 noon at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Richard Hedman, Planner V-Urban Design; Lucian Blazej, Planner IV; Richard Gamble, Planner IV; Wilbert Hardee, Planner III; Marie Zeller, Planner III; Moira So, City Planning Coordinator; Jeremy Kotas, Planner II; Carol Sugarman, Planner I; Barbara Sahn, Environmental Review Analyst; Mohini Mirchandani, Senior Clerk Stenographer; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Marshall Killduff represented the San Francisco Chronicle.

12:00 NOON -- FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:00 noon to take a field trip with the San Francisco Council of District Merchants Associations to selected neighborhood shopping districts.

2:15 P.M. -- 100 LARKIN STREET

APPROVAL OF MINUTES

Commissioner Rosenblatt called attention to certain corrections which were needed in the minutes of the meeting of May 26, 1977. It was then moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the minutes of the meeting of May 26, 1977, be approved with corrections and that the minutes of the meeting of June 2, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that Pete Groat, Planner IV-Urban Systems Analyst, has been in the hospital.

The Director announced that the Commission is scheduled to take a field trip to properties to be considered during August at 12:45 p.m. next Thursday, July 28.

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The Director reported that a joint public hearing will be held by the City Planning Commission and the Director of Public Works on August 11 at 2:30 p.m. to consider a new residential/commercial development being proposed for the Golden Gateway Redevelopment Project Area.

The Director advised the Commission that he had met with the new Director of Airports. They had discussed the need for transit alternatives to the private automobile for access to the airport and energy issues.

The Director advised the Commission that a workshop on urban growth and development in California will be held next Tuesday evening, July 26, at 7:30 p.m. in the Student Union at San Francisco State University.

The Director reported that the Board of Supervisors, meeting on Monday, had postponed for one week the hearing of an appeal from the Commission's disapproval of conditional use authorization for a wood entry structure for a proposed restaurant at 35 Bay Street.

Commissioner Dearman, noting that preliminary calendars which had been distributed to members of the Commission indicated that a draft of a plan for the Western Addition was to have been presented to the Commission during the present meeting, asked about the status of that project. The Director replied that the plan is being prepared by Wilbert Hardee of the staff of the Department of City Planning; however, Mr. Hardee has been diverted to work on the Hayes Valley Rehabilitation Assistance Program Study.

Commissioner Starbuck requested the staff to bring the Commission up-to-date on the status of the design plan for Upper Market Street.

Commissioner Starbuck reported that the Implementation Committee of the Commission had met earlier in the day to consider the current status of proposals for re-use of the former Sears Store at 3120 Mission Street. The Committee had recommended that a continuing dialogue be established among interested parties and had requested that the staff of the Department of City Planning implement the liaison process.

Commissioner Starbuck advised the Commission that the Environmental Review Officer had requested the consultants preparing the Environmental Impact Report for the Yerba Buena Center Project to include an analysis of alternate land uses and energy conservation design alternatives in the Draft Environmental Impact Report. The Redevelopment Agency and the Project Coordinator had expressed concern that this process might cause delays which could jeopardize the project. However, the Environmental Review Officer had expressed the opinion that greater delays would more likely occur if the information has to be incorporated into the comments and responses addendum to the report rather than being provided in the report itself. He indicated that he agreed with the position which had been taken by the Environmental Review Officer.

Commissioner Rosenblatt stated that he, also, agreed with the Environmental Review Officer. If such information is not included in the Draft Environmental Impact Report, he expected that members of the public would request that such information be provided, and, as a result, he felt that time would be saved if the Environmental Review Officer's suggestion were followed. He suggested that the Commission might request that a letter be sent to the Redevelopment Agency and the Project Coordinator in support of the request of the Environmental Review Officer. After further discussion, the Commission requested that a letter be sent to the Redevelopment Agency and the Project Coordinator in support of the request of the Environmental Review Officer.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING THE DEPARTMENT OF CITY PLANNING TO CONDUCT AN ANALYSIS OF THE ENVIRONMENTAL MANAGEMENT PLAN PREPARED BY THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) AND AUTHORIZING THE DIRECTOR OF PLANNING TO SEEK FUNDS FROM THE ENVIRONMENTAL PROTECTION AGENCY AND THE STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD UNDER FEDERAL PUBLIC LAW 92-500, SECTION 208, FOR THIS PROJECT.

Rai Y. Okamoto, Director of Planning, stated that the Board of Supervisors, by Resolution No. 461-77, had requested the San Francisco Department of City Planning 1) to consult with city officials to evaluate recommendations and prepare appropriate responses to the Environmental Management Plan for consideration and action by the Board of Supervisors and 2) to ensure public participation in this program by providing information and eliciting citizen responses to the Environmental Management Plan for consideration of the Board of Supervisors. Since funds would be available to assist the Department of City Planning in this work through Section 208 of Federal Public Law 92-500, he recommended that a draft resolution with the following resolved clauses be adopted by the Commission:

"NOW, THEREFORE, BE IT RESOLVED, that the Director of City Planning be authorized to seek and receive certain 208 funds administered by the Association of Bay Area Governments (ABAG) in order to carry out these requests made of the Department of City Planning by the Board of Supervisors;

"AND BE IT FURTHER RESOLVED, that the Mayor and the Board of Supervisors are respectfully requested to approve and facilitate the processing of an application for these grant funds."

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7775.

CONSIDERATION OF RESOLUTION AUTHORIZING THE DIRECTOR TO RECEIVE FUNDS FROM THE CALIFORNIA DEPARTMENT OF VOCATIONAL REHABILITATION TO CREATE A CAREER DEVELOPMENT OPPORTUNITY POSITION IN THE DEPARTMENT OF CITY PLANNING.

George A. Williams, Assistant Director-Plans and Programs, stated that the Department of City Planning had been invited to sponsor the placement of an

employee with funds to be provided by the California Department of Vocational Rehabilitation. The employee involved is Edith Winter, a former employee of the Department of City Planning, who has a disability. He indicated that the staff of the Department of City Planning has prepared a draft Commerce and Industry Element for the San Francisco Master Plan and is now beginning work on the development of a physical improvement plan for industrial districts. Additional studies, including graphic presentations of the types of public improvements that would likely result from the proposed plan and possible modifications to existing regulations, would be helpful to the Department of City Planning; and Ms. Winter has the skills needed to carry out those additional studies. Therefore, he recommended that the Commission adopt a draft resolution which contained the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to ask the Board of Supervisors to authorize him to receive funds from the California Department of Vocational Rehabilitation in the amount of \$18,374, to be paid bi-weekly increments of \$704, for a period of one year to be administered by the Department of City Planning in preparing the Industrial Improvement Plan."

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Wantz, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7776.

PRESENTATION OF THE FINDINGS OF THE DEPARTMENT OF CITY PLANNING'S
SURVEY OF ARCHITECTURALLY SIGNIFICANT BUILDINGS IN SAN FRANCISCO.

Richard Hedman, Planner V-Urban Design, and Jeremy Kotas, Planner II, made the presentation with the use of photographic slides and responded to questions raised by members of the Commission.

EE77.304 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE TRANSPORT/STORAGE PROJECT, WASTEWATER MANAGEMENT IMPLEMENTATION PROJECT IX, INVOLVING A CONSOLIDATION SEWER UP TO 50 FEET WIDE BY MORE THAN 30 FEET DEEP UNDER THE UPPER GREAT HIGHWAY; A PUMP STATION APPROXIMATELY 20 FEET HIGH, 65 FEET WIDE AND 230 FEET LONG, SOUTH OF SLOAT BOULEVARD; ASSOCIATED SEWERAGE FACILITIES; AND RECONSTRUCTION OF THE UPPER GREAT HIGHWAY FOLLOWING CONSTRUCTION OF THE PROPOSED SEWER PROJECT COMPONENTS.
(UNDER ADVISEMENT FROM THE MEETINGS OF JUNE 21, JULY 7, AND JULY 14, 1977.)

The Secretary reported that the Environmental Review Officer had recommended that this matter be continued under advisement until the meeting of July 28, 1977. Copies of the Comments and Responses section of the report will be available to members of the public for review on Monday, July 25.

It was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be continued under advisement until the meeting of July 28, 1977.

REPORT ON PROGRAMS RECOMMENDED TO THE OFFICE OF COMMUNITY DEVELOPMENT FOR 1978 FUNDING.

George A. Williams, Assistant Director-Plans and Programs, distributed and summarized a memorandum dated June 30, 1977, which outlined the projects for which the Department of City Planning had requested funding from the Community Development Program for 1978. The memorandum is available in the files of the Department of City Planning. Following the presentation, he responded to questions raised by members of the Commission.

STATUS REPORT ON REHABILITATION ASSISTANCE PROGRAM (RAP) FEASIBILITY STUDIES.

Moir So, City Planning Coordinator, reported on the current status of RAP feasibility studies being undertaken by the Department of City Planning for the Tenderloin District and the Hayes Valley area. She stated that a draft of a recommendation to the Chief Administrative Officer from the Director of Planning on the Tenderloin RAP area has been prepared; and she indicated that an additional hearing on the proposal for a RAP program in the Hayes Valley area has been scheduled for August 14. Renewed interest has also been expressed in a RAP program for the Chinatown area; and a public meeting to discuss that proposal will probably be scheduled in September.

PRESENTATION OF STATUS REPORT ON TRANSIT PREFERENTIAL STREETS PROGRAM.

Jonathan Twichell, Transit Planner III, distributed and summarized a report on the status of the Transit Preferential Streets Program as of July 1, 1977. The report, which was prepared by the Department of City Planning for the Transportation Policy Group, is available in the files of the Department of City Planning.

At the conclusion of his presentation, Mr. Twichell responded to questions raised by members of the Commission.

At 3:50 p.m. President Lau announced a one hour and ten minute recess. The Commission reconvened at 5:00 p.m. and proceeded with hearing of the remainder of the agenda. Commissioners Elliott and Wentz were absent for the remainder of the meeting.

CONSIDERATION OF A DRAFT RESOLUTION APPROVING A DETAILED STUDY OF THE 100 BLOCK OF ELSIE STREET TO BE UNDERTAKEN BY THE NORTHWEST BERNAL HEIGHTS BLOCK CLUB AND SUPPORTING NEIGHBORHOOD REQUEST FOR WITHHOLDING APPROVAL OF ANY NEW CONSTRUCTION, PUBLIC OR PRIVATE, PENDING COMPLETION OF THE STUDY.

Buck Bagot, representing the Northwest Bernal Heights Block Club, stated that the members of his organization were requesting the Commission to adopt a

resolution which would reflect the following policies:

"1. Approval of a study of up to six months to develop a plan for the rational development of the Elsie Street area.

"2. The Commission would agree to hold for future consideration all construction permits for the area in question (including any proposals for street widening) pending completion of the study.

"3. The Commission would withdraw approval of three Building Permit Applications (458113, 458118, and 458120) for new construction on the 100 block of Elsie Street."

Rai Y. Okamoto, Director of Planning, stated that members of the staff of the Department of City Planning had met with representatives of the community group to discuss this issue. He stated that the staff concurred with the community's request for endorsement of the study by the Commission. However, given the fact that the study would be in process, he did not feel that it would be necessary for the Commission to establish a policy of conducting a discretionary review of any permit application which might be filed for property in the block. He stated that the staff would advise anyone filing a permit that the study was underway; and, given the fact that the recommendations emanating from the study might lead to topographic changes or a change in the width of the roadway of Elsie Street, he felt that most applicants would be willing to wait until the study is completed before proceeding with their projects. If an applicant were not willing to wait until the study is completed, the staff of the Department of City Planning would be prepared to do the preliminary work necessary for processing of the permit; however, it would be the intention of the staff to defer action on the permit until the study is completed. If applications were to be subjected to a formal discretionary review process, action would have to be taken on the permits within a reasonable amount of time; and, any action taken by the Commission could be appealed to the Board of Permit Appeals. With regard to the issue of revoking permits which had already been issued, he stated that the Department of City Planning cannot revoke a permit which has been approved unless the approval had been given in error. The Director stated that he was prepared to recommend the adoption of a draft resolution which read as follows:

"WHEREAS, The Urban Design Element of the Comprehensive Plan states design principles which provide guidance to potential developers, in order to assure that new development be compatible with the scale and character of the existing residential areas; and

"WHEREAS, The 100 block of Elsie Street has a roadway 16 feet wide with one-way traffic, has street grades of up to 25%, lot grades of up to 46%, and 33 of the 46 lots fronting on the street as yet undeveloped; and

"WHEREAS, The street was designed and built to standards inadequate for full development of the block due to financial constraints which may no longer be applicable; and

"WHEREAS, The topography of the block and the shallowness of lots in the area present unique problems relative to light and shade, soil stability, drainage, access, provision of on- and off-street parking and overall appearance; and

"WHEREAS, A fragmented approach to the solution of these problems would probably lead to unsatisfactory results with negative impact upon the surrounding neighborhood as well as uneconomical and inefficient use of the properties on the block; and

"WHEREAS, Further incremental construction without comprehensive resolution of the aforementioned problems presents a clear and present danger to the health and safety of residents; and

"WHEREAS, These conditions have led the Assistant Chief, San Francisco Fire Department, to state that if any more houses are built on Elsie Street, he will request a ban on all street parking; and

"WHEREAS, The neighborhood, in the person of the Northwest Bernal Heights Block Club, has exhibited great concern over these issues, as represented by a petition signed by over 320 residents, and attendance by as many as 200 residents at meetings of City agencies and at neighborhood meetings; and

"WHEREAS, The Board of Supervisors has requested the City Planning Commission to consider the issues raised by the community in the petition to the Board for a construction moratorium; and

"WHEREAS, Both the Director of City Planning and the Mayor have concurred that a plan for Elsie Street is necessary before any further new development occurs; and

"WHEREAS, The Northwest Bernal Heights Block Club has demonstrated that it has the commitment and professional talent at its disposal to conduct a study of and produce a plan defining guidelines for the development of the area in question.

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission:

"1. Authorizes the Department to monitor a study by the Northwest Bernal Heights Block Club to develop a plan for the rational development of the 100 block of Elsie Street, provided such study commence in not less than 45 days and to be completed within the ensuing six months and be conducted by competent professionals, and

"2. Instructs the Department of City Planning to facilitate the coordination and communication among applicants for any permits or authors of development proposals and those persons executing the study."

Claudia Viek, 177 Elsie Street, stated that residents of the neighborhood felt that they could make a good case that the three building permits which had been issued to Arthur Michael for construction on Elsie Street had been issued in error.

Brian J. McCaffrey, attorney for the Northwest Bernal Heights Block Club, stated that the remarks which had been made orally by the Director of Planning seemed to convey the type of commitment which residents of the neighborhood hoped to achieve; however, the language of the draft resolution which had been prepared by the staff of the Department of City Planning did not seem to be so explicit. He stated that the people whom he represented wished to have some assurance that bulldozers would not be at work in the neighborhood while the proposed study is underway.

President Lau expressed the opinion that most reasonable people would not want to proceed with the development of a project while a study is underway which might have a significant effect on the neighborhood.

Roger Borgenicht, 63 Winfield Street, stated that the Department of City Planning had received a letter dated June 15, 1976, from Mr. Michael's architect which stated that it was the intention of his client to construct only three houses on Elsie Street; yet, approximately two months later, Mr. Michael had filed four additional building permit applications for development of four additional vacant lots on the street. If it had been clear that Mr. Michael intended to build on seven lots, an environmental impact report might have been required by the Department of City Planning. He felt that Mr. Michael had deceived the Department of City Planning; and, on that basis, he asked if the three building permits which had been issued could be revoked as having been approved in error. Another possible error was that the City Planning Commission had approved the three original building permit applications without receiving testimony from Assistant Chief Rose, of the San Francisco Fire Department who was on vacation when the building permit applications were considered by the Commission on July 29, 1976.

Commissioner Bierman remarked that the Commission and the Department of City Planning may have made errors of judgment; however, in order to revoke permits which had already been issued, there would have to be a showing that legal errors

had been made.

Ms. Viek stated that the circumstances under which the Commission had made its decision on the applications were misleading; and she believed that the Commission may have acted differently if it had known that additional permits were going to be filed. She also felt that the Commission might have acted differently if an environmental impact report had been prepared for the proposal to develop all seven of the vacant lots.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that there would have to be a showing that a technical error had been made if the permits which had already been issued were to be revoked; and he was not aware that any technical errors had been made in approving the permits.

President Lau asked if the fact that the Commission may have been misled would constitute a legal error. Mr. Steele replied that he did not feel that the actual circumstances of the situation would warrant such a claim. He noted that a negative declaration had been issued by the Department of City Planning for the four additional building permit applications which had been filed by Mr. Michael; and he emphasized that that negative declaration had not been appealed.

Commissioner Bierman asked why the negative declaration had not been appealed by residents of the neighborhood. Melissa Saranac stated that she had been in direct liaison with the staff of the Department of City Planning at the time that the negative declaration was issued; and she indicated that she had not been notified of the issuance of the negative declaration in sufficient time to file an appeal.

Commissioner Rosenblatt asked what recourse would be available to someone who wished to pursue the possibility that fraud was involved in the representations which had been made to the Commission by Mr. Michael. Mr. Steele replied that such an issue would have to be resolved in the courts.

Commissioner Starbuck explained to members of the audience that the staff of the Department of City Planning had recently requested the revocation of a building permit application which had been approved but which did not provide for a rear yard as required by the City Planning Code; and, as a result of that technical error, the Board of Permit Appeals had refused to issue the permit. However, the three building permits which had been issued to Mr. Michael had technically complied with the City Planning Code; and, as a result, there was no legal basis for requesting that they be revoked.

Mr. McCaffrey stated that Mr. Michael had misrepresented the facts to the Commission; and, as a result, the Commission had acted on the permit applications on the basis of inaccurate facts. He felt that that situation should provide sufficient legal justification for asking that the permits be revoked. He also noted that the Administrative Code provides that the Commission shall overrule a negative declaration issued by the staff of the Department of City Planning whenever there is a substantial body of public opinion that feels that a proposed

project may have a substantial effect on the environment; and he felt that the Commission may have committed a technical error by failing to overrule the Negative Declaration which had been issued for Mr. Michael's project when it knew that there was substantial neighborhood concern about the project.

Commissioner Starbuck pointed out that the Administrative Code provision which had been cited by Mr. McCaffrey applies only in cases where the staff's issuance of a negative declaration has been appealed.

Mr. McCaffrey stated that residents of the neighborhood had been deceived as to the applicant's actual intentions; and, as a result, he did not feel that the fact that they had failed to file an appeal of the Negative Declaration should be held against them. Furthermore, the neighborhood's liaison with the Department of City Planning had stated that she had not received notice that the Negative Declaration had been issued.

Mr. Steele stated that the required legal notice of the issuance of the Negative Declaration had been given even though the neighborhood's liaison with the Department of City Planning may not have been personally advised of the issuance.

Mark Frauenfelden, a resident of the neighborhood, asked if an environmental impact report would have had to have been prepared if the staff of the Department of City Planning had known that Mr. Michael intended to develop seven vacant lots in the area as opposed to three lots or four lots. Mr. Steele replied in the negative. Ordinarily, proposals for development for four units or less are exempt from an environmental evaluation. However, an environmental evaluation had been conducted for the permits filed by Mr. Michael; and, on the basis of its evaluation, the staff had found that the proposed construction would not have a significant adverse effect on the environment of the neighborhood and had determined that an environmental impact report would not be required.

President Lau asked if Mr. Michael were present or if he were represented in the audience and received a negative response.

Ms. Saranac stated that she had placed a telephone call to Ralph Gigliello in the Department of City Planning every day during the time that the Negative Declaration had been issued; however, he had not returned her calls. When she had finally found out that the Negative Declaration had been issued, it was too late to file an appeal.

President Lau asked what action would be required of the Commission if an application were to be filed for the widening of portions of Elsie Street. The Director replied that the proposal would come to the Commission in the form of a Master Plan referral; and he felt that it would be impossible for the Commission to find such a proposal in conformity with the Master Plan when a study is underway which may result in modification of the Master Plan.

Commissioner Rosenblatt asked if the Commission's decision on the Master Plan referral would be final. Mr. Steele replied in the negative, indicating that the recommendation of the Commission would only be advisory to the Board of Supervisors.

Mr. Borgenicht stated that Mr. Michael, in appearing before the Board of Permit Appeals, had stated his willingness to widen Elsie Street in front of nine lots.

Mr. Bagot felt that the Commission should declare a moratorium on the issuance of any permit for new development on Elsie Street while the neighborhood study is underway and that it should instruct the City Attorney to prepare a defense for the moratorium in case it is challenged in the courts.

Mr. Okamoto stated that he had been advised by the City Attorney's office that the City Planning Commission does not have the authority to establish a moratorium on new construction. That action could be taken only by the Board of Supervisors.

Commissioner Bierman stated that she felt that the City Attorney's office should be requested to review the circumstances associated with the approval of the building permit applications which had been filed by Mr. Michael. In voting on the three original permit applications; she had not been aware that it was the applicant's intention to file four additional building permit applications.

Mr. Borgenicht stated that the Northwest Bernal Heights Block Club intended to contact all of the owners of property on Elsie Street during the early stages of the proposed study; and he felt that the Commission should take the position that any permit applications which might be filed during the course of the study would be held for discretionary review after the study had been completed.

Commissioner Dearman remarked that any permit applications which might be filed would have to go through the regular process; and she pointed out that the regular process can be time consuming. Under the circumstances, she felt that it was unlikely that developments would occur on Elsie Street while the proposed study is underway.

Mr. Bagot, addressing members of the audience, stated that the draft resolution which had been recommended by the Director of Planning was not nearly as comprehensive as the draft resolution which had been prepared by the Northwest Bernal Heights Block Club; however, it did seem to him that it was unlikely that the City Planning Commission would be willing to adopt a resolution with stronger wording.

Commissioner Bierman observed that the Commission would probably be willing to recommend that the Board of Supervisors establish a moratorium on new construction on Elsie Street while the proposed study is underway; however, she

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questioned whether that approach would gain anything for the neighborhood beyond that which would be provided by the draft resolution which had been recommended by the Director of Planning.

Commissioner Rosenblatt stated that the Commission would also be prepared to request the staff of the Department of City Planning to seek an opinion from the City Attorney as to whether the three original building permit applications which had been filed by Mr. Michael had been approved in error based on the misrepresentations which had been made to the Commission.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7777.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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DOCUMENTS
JUL 28 1977
PLANNING COMMISSION

— SAN FRANCISCO
CITY PLANNING COMMISSION

≡ Minutes of the Regular Meeting held Thursday, July 28, 1977

The City Planning Commission met pursuant to notice at 12:45 p.m. on Thursday, July 28, 1977, at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Virgil L. Elliott, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The Staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Alec Bash, City Planning Coordinator; Ralph Gigliello, Planner II; Douglas Holmen, Planner II; Barbara Sahm, Environmental Review Analyst; Sharon Robinson, City Planning Intern; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Dan Borsuck represented the San Francisco Progress.

12:45 P.M. - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:45 p.m. to take a field trip to properties scheduled for consideration during August.

2:15 P.M. - 100 LARKIN STREET

APPROVAL OF MINUTES.

Commissioner Bierman called attention to the fact that a paragraph in the minutes of the meeting of June 16 had referred to a "Jim Coleman" when the person's correct name is "Gene Coleman". It was moved by Commissioner Rosenblatt, seconded by Commissioner Wentz, and carried unanimously that the minutes of the meeting of June 16, 1977, be approved as corrected.

CURRENT MATTERS

Commissioner Starbuck requested that a meeting of the Implementation Committee (Commissioner Starbuck, Bierman, Dearman), be scheduled at 11:00 a.m. Thursday, August 4, to discuss issues raised in a letter from the Mission Planning Council concerning the vicinity of the former Sears Store at 3120 Mission Street and other matters.

Rai Y. Okamoto, Director of Planning, informed the Commission that the Board of Supervisors, meeting on Monday, had approved the proposal to designate the Castro Theater as a Landmark. The Board had deferred action

on the appeals from actions of the City Planning Commission involving properties at 35 Bay Street and at 43 Main and 38 to 68 Spear Streets.

The Director distributed copies of a memorandum which had been prepared by Alan Lubliner of the staff of the Department of City Planning regarding the current status of plans for Upper Market Street. The memorandum, which Commissioner Starbuck had asked to have prepared, is available in the files of the Department of City Planning.

The Director reported that he had met with developers of the proposed Levi Place project and had urged them to consider including subsidized housing in the project.

EE76.162 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED 31 STORY OFFICE BUILDING AT 180 MONTGOMERY STREET. (UNDER ADVISEMENT FOR MEETING OF MAY 12, 1977.)

Ralph Gigliello, Planner II, summarized Chapter XIV of the Draft Environmental Impact Report entitled "Comments and Responses". He then responded to questions raised by members of the Commission.

Additional comments were made by Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, and Corwin Booth, architect and developer of the proposed project.

During the course of the discussion, Commissioner Elliott absented himself from the meeting room and was not present when the vote was taken.

At the conclusion of the discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Wentz, and carried four to one that Resolution No. 7778 be adopted with the following resolved clauses;

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated July 28, 1977, concerning EE76.162: 180 Montgomery Street Office Building is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

Commissioner Bierman stated that she was concerned about the compatibility of the design of the proposed building with other buildings in the area. She indicated that she hoped that the applicant would be willing to work further with the staff of the Department of City Planning to refine the design of the building so that it would blend better with other buildings in the area. It was then moved by Commissioner Bierman, seconded by Commissioner

Starbuck, and carried unanimously that the Director of Planning be requested to meet with the applicant to discuss the design of the proposed building and to report back to the Commission on this matter on August 11, 1977.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

RS77.9 - TENTATIVE MAP FOR A SIX LOT SUBDIVISION AT EXTENSION OF
BURNETT AVENUE AT TWIN PEAKS BOULEVARD, LOT 13 IN
ASSESSOR'S BLOCK 2719.

Ralph Gigliello, Planner II, described the subject property as an irregular parcel with frontages of approximately 100 feet on Twin Peaks Boulevard and approximately 240 feet on Burnett Avenue for a total area of approximately 24,000 square feet. The property is located in an R-1-D and proposed RH-1-D residential district. He indicated that the applicant proposed to subdivide the unimproved lot into six parcels for the construction of detached single-family houses. Each of the houses will contain approximately 2500 square feet of floor area and would sell for approximately \$200,000. He recommended that the proposed subdivision be found to be consistent with the Master Plan subject to the following conditions;

1. The subdivider shall provide street trees and landscaping of front set-back areas at such time as the subject lots are developed.
2. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.

A resident of the neighborhood stated that she represented five property owners who live directly below the subject property; and she indicated that they were concerned about the possibility that dust might be blown in their direction while the proposed buildings are being constructed. She asked if any conditions could be established by the Commission to assure that dust would be controlled during the construction process.

Robert Passmore, Planner V (Zoning), stated that the Commission, in considering conditional use applications, has on occasion established a condition requiring the contractors involved in a project to meet more rigid performance standards than would ordinarily be established by the Department of Public Works.

Commissioner Wentz stated that he would like to have a third condition added to the draft resolution which would require the developer to take adequate measures to control whatever dust might be generated by the proposed construction project.

He then moved that the amended draft resolution be adopted. The motion was seconded by Commissioner Bierman. When the question was called, the Commission voted unanimously to adopt the draft resolution, as modified, as City Planning Commission Resolution No. 7779.

RS77.14 - TENTATIVE MAP FOR 60-UNIT CONDOMINIUM SUBDIVISION AT
1652 TAYLOR STREET, LOTS 23-27A AND 31 IN ASSESSOR'S
BLOCK 149.

Ralph Gigliello, Planner II, stated that the Commission had acted on February 3, 1977, to adopt Resolution No. 765b to approve the building permit application for the proposed project; and he indicated that the applicant was now requesting that the proposal for a condominium subdivision of the project be reviewed by the Commission for its consistency with the Master Plan as required by the Subdivision Code. However, since the matter had previously been considered by the Commission, the applicant had reduced the number of dwelling units in the proposed project to fifty units. He recommended that a draft resolution be adopted by the Commission with the following resolved clauses;

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that governmental subsidies for low and moderate income occupancy are not available to the subdivider, and consequently, that the subdivider is not required by the Subdivision Code to make available ten percent of the proposed units for low and moderate income occupancy;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision proposed at Lot 33 of Assessor's Block 149, as set forth in the tentative map submitted with the referral, is consistent with the Master Plan; provided however, that the following conditions are complied with:

1. Planning Commission approval is for a building subject to the six (6) conditions stated in its prior approval of Building Permit Application No. 454655, under discretionary review Case No. DR77.7, Resolution No. 7656, February 3, 1977.
2. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code."

President Lau asked if anyone were present in the audience who wished to express concern about the proposed condominium subdivision and received a negative response.

After Further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that draft resolution be adopted as City Planning Commission No. 7780.

At this point in the proceedings, Commissioner Elliott returned to the meeting room and reassumed his seat at the Commission table.

RS77.11 - TENTATIVE MAP FOR 12-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 637 POWELL STREET, LOT 1A IN ASSESSOR'S BLOCK 273.

Sharon Robinson, City Planning Intern, stated that the proposal was to convert a 12-unit rental apartment building into 12 condominium units. The subject building was constructed in 1922 and has six residential levels, each with two units. The building contains eleven two-bedroom units ranging in rent from \$425 to \$475, and one one-bedroom unit renting for \$375. The proposed sale prices for these units would be from \$50,000 to \$79,000. Two units renting for \$400 and \$425 are at rental levels generally considered to be at the upper limit of the modern income housing stock. However, the rental rates for these units in the subject building were fixed by a lease at the time of aquisition by the subdivider and are at levels below market value as indicated by the rental levels of the other units which were not fixed by lease. Therefore, the units would not be considered as part of the low-and moderate-income housing stock of the city. She recommended that the proposed condominium conversion subdivision be approved as consistent with the Master Plan subject to the following conditions;

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385 (d) of the Subdivision Code.
3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385 (e), 1385 (f), and 1385 (g) of the Subdivision Code.

After discussion it was ruled by Commissioner Rosenblatt, seconded by Commissioner Wentz, and carried unanimously that Resolution No. 7781 be adopted and that the proposed condominium conversion subdivision be

approved as consistent with the Master Plan subject to the conditions which have been recommended by Ms. Robinson.

RS77.13 - TENTATIVE MAP FOR 13-UNIT CONDOMINIUM SUBDIVISION AT NORTHEAST CORNER OF STEINER AND O'FARRELL STREETS, LOTS 11, 12, 14, 14A, 15, 15A AND 15B IN ASSESSOR'S BLOCK 707.

Sharon Robinson, City Planning Intern, stated that the applicant proposed to construct a condominium project consisting of a common area and two three-story buildings, one with six units and the other with seven units. Each unit would have three bedrooms, a two-car garage and a patio. She stated the property is part of the Western Addition A-2 Redevelopment Area and is presently vacant. The proposed sale prices for the units would range from \$66,000 to \$70,000. She recommended that the project be approved as consistent with the Master Plan subject to the following conditions;

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
2. The subdivider shall install and provide for the maintenance of street trees on Steiner and O'Farrell Streets and landscaping in the outdoor common area.

President Lau asked if anyone were present in the audience who wished to address the Commission on this matter and received a negative response.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7782 be adopted and that the proposed condominium project be approved as consistent with the Master Plan subject to the conditions which had been recommended by Ms. Robinson.

R77.9 - VACATION OF PORTION OF SAN BRUNO AVENUE BETWEEN BAYSHORE BOULEVARD AND JAMES LICK FREEWAY.

Alec Bash, City Planning Coordinator, reported on this matter as follows;

"The proposal is to vacate and sell the undeveloped portion of the San Bruno Avenue right-of-way between Bayshore Boulevard and the James Lick Freeway. Sale of the right-of-way would enable the assembly of a developable property immediately north of the Industrial Way - Alemany Boulevard intersection with Bayshore Boulevard. The parcel would include land which has recently been acquired from the State by the Goodman Lumber Company, which proposes to develop a plant nursery on the site. The parcel in its entirety has the appearance of a vacant lot, and does not now, nor conceivably in the future, have any street use or character.

"The Urban Design Element, in Conservation Policy 9, establishes criteria for the giving up of street space. With respect to positive criteria, a new and improved street pattern has already been substituted for the existing street pattern in the area, with development of the James Lick Freeway to the east and and the relocation of Hilton Street immediately to the north of the parcel, and release of this undeveloped street area would simply finalize this action. None of the negative criteria are violated, nor would any action short of vacation be appropriate."

Mr. Bash recommended that the proposed vacation of the subject portion of San Bruno Avenue be approved as in conformity with the Master Plan provided that the vacated portion does not extend easterly beyond a line connecting the Bayshore Boulevard right-of-way to the north and south of San Bruno Ave.

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the vacation of San Bruno Avenue between Bayshore Boulevard and the James Lick Freeway, as shown on Bureau of Engineering Plan SUR-677, is in conformity with the Master Plan provided that the vacated portion does not extend easterly beyond the line connecting the Bayshore Boulevard right-of-way to the north and south of San Bruno Avenue.

R77.23 - REVOCABLE ENCROACHMENT PERMIT ON LEAVENWORTH STREET
BETWEEN COLUMBUS AVENUE AND BEACH STREET FOR HOLIDAY INN
ENTRANCE.

Alec Bash, City Planning Coordinator, reported on this matter as follows;

"The proposal is to develop an entrance for a new restaurant at the Fisherman's Wharf Holiday Inn on Leavenworth Street, which would require an encroachment into the sidewalk area to permit two masonry steps with planters on either side. The structural system of the Holiday Inn and its retaining wall are such that the entrance way cannot reasonably be kept within that property.

"The sidewalk width is approximately 15 feet, but may be narrowed in the future to accommodate development of the proposed Joseph Conrad Park across Leavenworth Street from the proposal. The encroachment of less than three feet into the sidewalk area is not expected to adversely affect pedestrian circulation, and would accomplish the applicant's objectives to provide restaurant access and help relate the Holiday Inn to the Cannery area to the north.

"The Urban Design Element, in Conservation Policy 9, establishes criteria for the giving up of street space. The encroachment to provide access, together with related landscaping, does not violate any of the negative criteria, and would help further the public values and purposes of the street."

Mr. Bash then recommended that the granting of the proposed revocable encroachment permit be approved as in conformity with the Master Plan provided that a landscaping plan for that frontage on Leavenworth Street be developed in consultation with and approved by the Staff of the Department of City Planning to soften and obscure the existing retaining wall.

Commissioner Starbuck asked if the process for revoking a revocable encroachment permit is a long and difficult one. Mr. Bash replied that it was his understanding that revocable encroachment permits can be revoked at will and that the procedure for revocation is not complicated; however, he was not personally familiar with any instance in which a revocable encroachment permit had been revoked.

Robert Passmore, Planner V (Zoning), noted that the City had successfully revoked revocable encroachment permits for use of the sidewalk space under Market Street when that street was redesigned.

Commissioner Starbuck, noting that the proposed entrance to the new restaurant could not be used by handicapped people, asked if the restaurant would have a separate entrance which could be used by handicapped people. A representative of the applicant replied in the affirmative, indicating that the restaurant would also have access from the lobby of the hotel.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the Director be authorized to report that the granting of the revocable encroachment permit to install two steps and planters on Leavenworth Street to provide access to the Holiday Inn is in conformity with the Master Plan, provided that a landscaping plan for that frontage on Leavenworth Street be developed in consultation with and approved by the staff of the Department of City Planning to soften and obscure the existing retaining wall.

R77.34 - YERBA BUENA CENTER PLAN REDEVELOPMENT PROJECT AMENDMENT NO. 4 TO CHANGE DESIGNATION OF PORTION OF BLOCK BOUNDED BY 3RD AND 4TH, FOLSOM AND HARRISON STREETS FROM "E-BUSINESS SERVICES AND LIGHT INDUSTRY" TO "D-HOUSING".

Alec Bash, City Planning Coordinator, reported on this matter as follows;

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the San Francisco Redevelopment Agency for review as to conformity with the Master Plan.

"The proposal would permit up to 250 housing units in the middle portion of the block bounded by 3rd, 4th, Folsom and Harrison Streets, Lot 160 in Assessor's Block 3751, between the newly constructed AT&T and PT&T buildings. The site is presently designated for business services and light industry, and is proposed for housing as one of the four sites in the TOOR (Tenants and Owners in Opposition to Redevelopment) agreement with the City in 1973. It is also proposed for housing by the Preferred Plan of the Mayor's Select Committee on Yerba Buena Center. The site is within an M-1 (Light Industrial) district, within which housing may be permitted only as a planned unit development.

"The Redevelopment Plan has already designated one other site in this block, immediately to the southwest, for housing. The remainder is designated for business services and light industry, as are most other portions of the Project Area between Folsom and Harrison Streets. The James Lick Skyway, with its heavy traffic and related generation of air pollutants, is approximately one block to the south.

"The Residence Element of the Master Plan calls for encouraging multiple-residential development in conjunction with commercial uses in the downtown commercial area. However, it also calls for discouraging development of new housing in areas unsuitable for residential occupancy. The Department of City Planning, in a memorandum to Mayor Moscone in January 1977, reported that the subject area was not suitable for family housing due to negative environmental impacts and excessive distance to commercial and social services. The memorandum went on to say that elderly housing on the site could be made more acceptable than family housing because some of the adverse environmental impacts could be mitigated by the design of towers which would be appropriate for elderly residential units but not for family units. The memorandum also discussed the need for additional commercial and social services. The U. S. Department of Housing and Urban Development has required that internal air circulation and other measures be included in any elderly housing in order to mitigate air pollution problems. The City Planning Commission, on August 4, 1977, will be considering the conditional use application (CU77.38) for a planned unit development for 140 units of elderly housing on this site, at which time any other appropriate conditions may be established to ensure the mutual compatibility of the housing development and its residents with their surroundings."

Mr. Bash recommended that the amendment to the official redevelopment plan be approved as in conformity with the Master Plan.

No one was present in the audience to address the Commissioner on this matter.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the amendment to the official Redevelopment Plan for the Yerba Buena Center Approved Redevelopment Area, to change the designation of Lot 160 in Assessor's Block 3751 from "E-Business Services and Light Industry" to "D-Housing" is in conformity with the Master Plan.

E77.304 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE TRANSPORT/STORAGE PROJECT, WASTEWATER MANAGEMENT IMPLEMENTATION PROJECT IX, INVOLVING A CONSOLIDATION SEWER UP TO 50 FEET WIDE BY MORE THAN 30 FEET DEEP UNDER THE UPPER GREAT HIGHWAY; A PUMP STATION APPROXIMATELY 20 FEET HIGH, 65 FEET WIDE AND 230 FEET LONG, SOUTH OF SLOAT BOULEVARD; ASSOCIATED SEWERAGE FACILITIES; AND RECONSTRUCTION OF THE UPPER GREAT HIGHWAY FOLLOWING CONSTRUCTION OF THE PROPOSED SEWER PROJECT COMPONENTS.
(UNDER ADVISEMENT FROM MEETINGS OF JUNE 21 AND JULY 7 AND 14, 1977.)

Douglas Holmen, Planner II, summarized major text changes which had been made in the Draft Environmental Impact Report and the new Comments and Responses section which would be incorporated into the report. He stated that the Commission had received a letter and a telegram requesting that certification of the Draft Environmental Impact Report be deferred because of insufficient time for public review and input; however, he indicated that the law does not require public comment on the Comment and Responses sections of a Draft Environmental Impact Report.

During the course of the discussion which ensued, Richard Sklar, Program Coordinator for the Wastewater Management Program, responded to questions raised by members of the Commission.

At the conclusion of the discussion, it was moved by Commissioner Elliot, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7783 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated July 28, 1977, concerning EE75.304, San Francisco Wastewater Master Plan Implementation Element IX, West Side Transport/Storage Project, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed, which is itself an environmental facility, will not have a significant long-term effect on the environment."

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Joanne Goluch, a shorthand reporter, was present and will prepare a transcript of the meeting which will be available in the files of the Department of City Planning.

At 4:20 p.m., President Lau announced a 10-minute recess. The Commission reconvened at 4:30 p.m. and proceeded with hearing of the remainder of the Agenda.

R77.30 - REVOCABLE ENCROACHMENT PERMIT FOR LANDSCAPED PLAZA ON
WILLOW STREET BETWEEN GOUGH AND FRANKLIN STREETS:

Alec Bash, City Planning Co-ordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The proposal is to close Willow Street between Franklin and Gough Streets in order to create a plaza for the Sacred Heart High School. The school presently has a classroom building between Willow and Ellis Streets, which is proposed for demolition following its reconstruction to the south on a vacant parcel between Willow and Eddy Streets, with the present site to become a practice field. The existing school gym and cafeteria at the corner of Ellis and Willow Streets with Franklin Street would be retained, and the entire complex is proposed to be unified by the plaza, which would have half its width in the street area and half on private property adjoining the new classroom building.

"Willow Street is a minor one-lane, westbound one-way street, with parking on the south side, which does not continue across Gough Street to the west. Franklin, Ellis and Gough Streets are one-way streets, while Eddy Street is two-way in that block. Willow Street is not considered essential for traffic circulation, although the Family Service Agency, at the corner of Eddy and Willow Streets with Gough Street, has indicated that its staff and their clients use Willow Street for access and parking. The Western Addition A-2 Redevelopment Project, which includes this location, does not provide for, nor prohibits, the closing of Willow Street.

"The Urban Design Element of the Master Plan, in Conservation Policy 9, establishes criteria for the giving up of street areas. It calls for no release of a street area which would result in detriment to vehicular or pedestrian circulation. The Family Service Agency has expressed its concerns on this matter; additionally, the landscaped plaza would be closed to pedestrian access outside school hours, and would discourage pedestrian access at other times, as it would be ten feet above grade at its eastern boundary, with a stairway providing the connection to the existing grade at that point. If no negative criteria were to apply, the policy would allow favorable consideration in this case only if the plaza were necessary for the school's use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site. The school is presently expanding its site substantially, even without the inclusion of the street plaza area, and other means could be found, including daily street closure, for ensuring the convenience and safety of the high school students and faculty in crossing the street between school facilities. Finally, Conservation Policy 10 calls for release of street areas only in the least permanent manner appropriate in each case; in this case, this principle may have been carried too far, as developing a school plaza by the revocable encroachment permit process would not provide any return to the public for the taking of the public street for what are essentially private purposes."

Mr. Bash recommended that the granting of the proposed revocable encroachment permit be disapproved as not in conformity with the Master Plan as it would virtually eliminate pedestrian use by its design and the limits which would be placed on its use, because it is not considered necessary for the development plans of the Sacred Heart High School, and because it would not be the appropriate manner to secure what in effect will be permanent release of street area.

President Lau asked if the staff of the Department of City Planning had discussed its recommendation with representatives of the Sacred Heart High School. Mr. Bash replied that the staff had discussed its concerns with representative of the high school.

Commissioner Wentz inquired about the width of the present roadway of the Willow Street. Mr. Bash replied that the street has a roadway with a width of 20 feet.

Commissioner Wentz then asked if the staff had figures indicating the daily traffic count on Willow Street. After Mr. Bash had replied in the negative, Commissioner Wentz observed that it would be difficult for the staff to substantiate its claim that the street is needed if it does not have any traffic count figures.

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Mr. Bash stated that the staff was of the opinion that the street is needed for pedestrian traffic; however, when Commissioner Wentz asked if the staff has data on pedestrian usage of the street, Mr. Bash replied in the negative.

William Schuppel, architect for the Sacred Heart High School, stated that Willow Street has a very low pedestrian count, because pedestrians cannot cross either Gough or Franklin Streets where Willow Street intersects.

Commissioner Starbuck asked what would happen to the parking spaces which are presently available on Willow Street if the revocable encroachment permit were to be granted. Mr. Schuppel replied that the street area could still be used for parking on special occasions; and, in addition, the high school is providing new off-street parking on its own property. He displayed and described a study model to explain how the street area would be used by the high school. He stated that the street is not heavily used by pedestrians; and, since there is no time limit for parking on the street, the primary use of the street is for all-day parking. It is somewhat hazardous for automobiles to move from Willow Street into Gough Street; and the existence of the street in its present condition conflicts with use of the facilities owned by the school.

President Lau inquired about the current enrollment of the Sacred Heart High School. Mr. Schuppel replied that the school has approximately 800 students; and he indicated that the high school does not intend to expand its enrollment.

Arlene Caminata, Administrative Assistant for the Family Service Agency, stated that her organization would have no objection to the granting of the revocable encroachment permit provided, that the staff and clients of the Family Service Agency could continue to use the street area.

Mr. Schuppel stated that the street area would be open during daylight hours.

Rai Y. Okamoto, Director of Planning, remarked that a member of the Commission had inquired earlier in the afternoon about the process for revoking a revocable encroachment permit and had been informed that the process is not usually time-consuming or difficult; however, since the high school proposed to change the grade of the subject street and to spend a considerable amount of money in improving the street area, it might be somewhat difficult for the City to revoke the revocable encroachment permit in the future.

Commissioner Starbuck remarked that the proposal was to convert a public right-of-way for an essentially private use; and he agreed with the staff that the granting of the revocable encroachment permit would not be appropriate if there were a public demand for the use of the street area. He noted that the Redwood Park at the Transamerica Building was developed on land which was previously a public right-of-way; and he remarked that some concern had been expressed about the fact that access to the park is closed to the public after business hours.

Commissioner Rosenblatt asked how the proposed plaza area would be utilized. Mr. Schuppel replied that it would be used as a congregation area. He remarked that students of the high school tend to congregate on streets in the area at the present time since they have no other area in which to meet.

The Director asked if the high school had plans for use of the area beneath the proposed plaza. Mr. Schuppel replied in the negative.

President Lau stated that one of the reasons he had not sent his own sons to Sacred Heart High School was that the school is lacking in sufficient play space. He stated that his office had been previously located a couple of blocks from the school; and he indicated that he had often noted that students of the school congregated on sidewalks in the area.

Commissioner Wentz asked if the Sacred Heart High School would have to pay a fee to the City for use of the street area. Mr. Bash replied in the negative, indicating that the City is reluctant to start charging a fee for revocable encroachment permits since it has never charged a fee in the past.

Jim Hennefer, representing the Archdiocese of San Francisco, recognized that the closing of the Redwood Park at the Transamerica Building has created problems; and he stated that he appreciated the staff's concern for retaining pedestrian access along the right-of-way of Willow Street. He felt that something could be worked out so that the right-of-way could be made available to pedestrians; and he felt that the street would be more attractive to pedestrians under the proposed plan than at the present time because cars would be no longer be parked on the street. However, he stated that the school would like to obtain the requested revocable encroachment permit for security reasons.

President Lau suggested that this matter should be taken under advisement for one or two weeks to allow for further discussion between the staff of the Department of City Planning and representatives of the Sacred Heart High School.

Commissioner Wentz stated that his general inclination is to be supportive of staff recommendations; however, he was concerned about the recommendation which the staff had made in the present instance. He supported President Lau's suggestion that the matter be continued with the hope that the problem could be resolved by the staff of the Department of City Planning and the Sacred Heart High School.

Commissioner Rosenblatt asked if the proposed plaza would look directly into the rear yard of an adjacent residential property. Mr. Schuppel replied in the negative, indicating that the rear yard of the residential property would be screened from the plaza by a fence.

Mr. Hennefer stated that the Victorian dwelling should be saved; however, he felt that the building should be moved to a more appropriate location in the Western Addition.

Robert Passmore, Planner V (Zoning), stated that the Victorian dwelling cannot be moved as long as the Landmarks Preservation Advisory Board is considering the possibility of designating the building as a Landmark.

Commissioner Rosenblatt observed that the uncertain status of the Victorian dwelling provided an additional reason for continuing this matter.

Ms. Caminata stated that she felt that the right-of-way on Willow Street would be vastly improved with the construction of the plaza being proposed by the high school; however, if the high school intended to seek a revocable encroachment permit for the western portion of Willow Street, the Family Service Agency might object to that request.

Commissioner Rosenblatt moved that this matter be continued and that the staff of the Department of City Planning be requested to work with the Sacred Heart High School, the Family Service Agency, and the owner of the adjacent Victorian building to see if agreement could be reached on a plan for the street which would be acceptable to the parties involved and which would provide security for students attending the high school. The motion was seconded by Commissioner Bierman.

When the question was called, the Commission voted unanimously to continue this matter until the meeting of September 29, 1977.

At this point in the proceedings, Commissioner Elliot absented himself from the meeting room for the remainder of the meeting.

REPORT ON FINDINGS OF MUNI METRO ACCESSIBILITY STUDY.

Jonathan Twidell, Transit Planner III, reported orally on this matter. He stated that the Municipal Railway had conducted a study as to

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how access might be provided to transit vehicles for handicapped people; and he indicated that the result of the study was a recommendation that wheel chair lifts be installed on Municipal Railway vehicles. In the event that approach is not feasible, it was recommended that platforms should be constructed at certain bus and trolley stops. He stated that the report had been accepted by the Public Utilities Commission; however, copies of the report are in short supply.

Following his presentation, Mr. Twichell replied to questions raised by members of the Commission.

The meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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DOCUMENTS

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, August 4, 1977.

The City Planning Commission met pursuant to notice on Thursday, August 4, 1977, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning; Robert Passmore, Planner V (Zoning); Marie Zeller, Planner III; Robert Feldman, Planner II; Douglas Holmen, Planner II; Gary Lee, Planner II; Mary Anne Miller, Planner II; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

R. Spencer Steele, Acting Director of Planning, introduced Mary Anne Miller and Gary Lee who have recently joined the Department of City Planning as Planner IIs. He also introduced Susan Slack and Shelley Smith who are serving as volunteers with the Department of City Planning during the summer under a program sponsored by the Higher Education Consortium for Urban Affairs, Inc., a Minnesota corporation.

Mr. Steele reported that the Board of Permit Appeals, meeting on the previous evening, had overruled the Commission's disapproval on a building permit application for a 150-unit residential building at 900 Bush Street.

Mr. Steele advised the Commission that the Landmarks Preservation Advisory Board had requested the Commission to conduct a discretionary review of the new San Francisco Board of Realtors office building proposed for the southwest corner of Franklin and Grove Streets. He indicated that the request for the discretionary review will be calendered for consideration during the meeting of August 11.

At this point in the proceedings, Commissioner Elliott and Commissioner Lau arrived in the meeting room and assumed their seats at the Commission table.

Mr. Steele informed the Commission that a new rubber stamp has been prepared for the Department of City Planning which hopefully will simplify and clarify actions taken on permits. The stamp will be used to identify projects which are exempt from environmental evaluation.

Mr. Steele announced that the Commission had received a formal request from the Board of Supervisors to review and comment upon amendments to the City Planning Code which were recently proposed by Supervisor Kopp.

Mr. Steele reported that it was expected that Michael Painter, Landscape Architect, would present alternate design schemes which he has prepared for the Great Highway at the Commission's next meeting on August 11.

Commissioner Starbuck reported that the Implementation Committee of the Commission had met earlier in the day to discuss issues raised in a July 28 letter from the Mission Planning Council concerning issues related to the former Sears store at 3120 Mission Street. The Mission Planning Council had requested that the Commission revoke the permit for remodeling of the ground floor of the former Sears store to house an office of the State's Employment Development Department; however, the Committee had informed all concerned parties that the Commission has no statutory authority to revoke the permit. The Mission Planning Council had also requested the Commission to adopt a policy of discretionary review of any new building permit application filed for the vicinity of the former Sears store area. The Committee had declined to institute "automatic" discretionary review for all permits for the Sears site; however, the Committee had confirmed that any such permits would be reviewed by the Commission on an individual basis when the permit applications are submitted to the Department. The Mission Planning Council had requested that the Commission require the staff of the Department of City Planning to obtain written opinions rather than verbal opinions from the City Attorney when the opinions relate to controversial matters; and the Committee had recommended that permit cases requiring an opinion from the City Attorney be postponed until a written opinion is available from the City Attorney whenever the issue is likely to involve substantial controversy. The Mission Planning Council had requested that a better system be set up for letting community organizations know when permits are filed; and the Committee had requested the staff of the Department of City Planning to notify all interested neighborhood organizations and the members of the City Planning Commission when any permit applications for the Sears site or adjoining properties are submitted to the Department. The Mission Planning Council had requested that a staff member of the Department of City Planning should be assigned to keep track of publications, such as the Monitor, which contain dates and deadlines relating to environmental review matters, and to advise interested individuals and organizations in the community of the dates and deadlines; and the Committee had agreed to request the Office of Environmental Review to perform that service provided that it is feasible given the present staffing of the Department. The Committee had also agreed to a request from the Mission Planning Council that projects being proposed for the Mission District be reviewed as to their conformance with

the Mission Plan and that the staff analysis of each project be available in writing. Finally, the Committee had agreed to request the staff of the Department of City Planning to improve communications with all community organizations in the Mission District.

Commissioner Starbuck advised the other members of the Commission that the Department of City Planning's Environmental Review Officer has a copy of the Final Environmental Impact Report for the proposed expansion of the Hastings College of the Law. Although the Commission will not be formally involved in the process of reviewing that report, he felt that other members of the Commission might be interested in reading it.

CU77.40 - 850 BRYANT STREET, NORTH LINE, BETWEEN 7TH AND
HARRIET STREET.

REQUEST FOR AUTHORIZATION FOR CONSTRUCTION OF AN
ADDITION TO THE EXISTING HALL OF JUSTICE OVER THE
EXISTING CORONER'S OFFICE FRONTING ON HARRIET STREET
WHICH WOULD HAVE BUILDING DIMENSIONS IN EXCESS OF THE
BULK STANDARDS OF THE CITY PLANNING CODE. THE PROJECT
WOULD ADD TWO COURTROOM FLOORS AT THE SECOND AND THIRD
LEVELS OF THE BUILDING AND TWO ELEVATOR TOWERS AND
SMOKE SHAFTS SIX-STORIES IN HEIGHT (3 ADDITIONAL FLOORS
OF OFFICE SPACE ARE CONTEMPLATED FOR FUTURE DEVELOP-
MENT); IN A P USE AND 105-K HEIGHT AND BULK DISTRICT.
(EE77.212).

Robert Feldman, Planner II, stated that one of the new floors would contain two courtrooms and the other would contain four courtrooms. Both floors would have judges' chambers and jury deliberation rooms. The two new floors, having a floor area of approximately 40,000 square feet, would provide enough courtroom space to eliminate the necessity of renting courtroom space in California Hall and transporting prisoners from the Hall of Justice to City Hall in order to stand trial. The new facilities would provide employment for fifty people and would have a maximum capacity of 250 persons. The elevator and smoke shafts would be extended to a height of six floors to accommodate anticipated future construction of three more floors of building space. Mr. Feldman stated that the overall dimensions of the existing building already exceed the maximum height and bulk limitations of the K bulk district. The two courtroom floors presently being proposed would not violate the bulk regulations; however, the proposed smoke and elevators shafts would add slightly to the buildings violation of the bulk limitations. Mr. Feldman stated that the Negative Declaration for the proposed project will not be finalized until August 9; and, as a result, although the Commission could proceed with hearing of the subject application, final action on the matter would have to be deferred until the Commission's meeting on August 11.

Norman Karasick, City Architect, stated that construction of the elevator shafts to a height of six-stories was not being proposed primarily to accommodate new construction in the future but rather to transport prisoners from upper floors of the Hall of Justice to the courtrooms with a greater degree of security.

Lawarence S. Mana, Presiding Judge of the Superior Court, advised the Commission that the proposed additions to the Hall of Justice had been included in the original plans for the facility but had not been constructed because of lack of funds. When the Hall of Justice was built, only three Superior Courts were handling criminal matters; however, at the present time, eight Superior Courts are hearing criminal matters. As a result, the courts are presently operating in an emergency situation with a low level of security. A bond issue for construction of the new courtroom space had appeared on the ballot twice but had failed to win two-thirds of the vote on each occasion, although a majority vote was received each time. The proposed expansion project would be financed with Federal funds. In addition to the new courtroom space, new assembly rooms for jurors would also be provided. At the present time, jurors must be assembled in the corridors; and, under such circumstances, they often overhear conversations between defendants and their attorneys.

An architect from the firm of John Carl Warnecke and Associates stated that the proposed addition would result in no more than a four foot extension beyond the bulk limits specified in the City Planning Code.

Judge Mana stated that construction on the proposed project would commence within 90 days of August 10.

R. Spencer Steele, Acting Director of Planning, stated that he would be prepared to recommend that the application be approved subject to three conditions at next week's Commission meeting.

Commissioner Starbuck asked for a clarification of the extent to which the proposed construction would exceed the bulk limits of the City Planning Code. Mr. Steele replied that the existing building exceeds the bulk limits of the City Planning Code to a considerable extent; however, the proposed addition would add only 4 or 5 feet to the bulk dimension of the building.

Commissioner Elliott asked how much money the proposed project would cost. He also inquired about the source of funding for the project.

Mr. Karasick stated that the project would cost approximately 4.2 million dollars. The money for the project would be provided by the Federal Public Works Act.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be taken under advisement until the meeting of August 11, 1977, with the expectation that the Commission would vote to approve the application subject to the conditions which had been recommended by Mr. Steele on that date.

DR77.36 - 780 SOUTH VAN NESS AVENUE, WESTLINE, 75 FEET NORTH OF 19TH STREET.

DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR CONSTRUCTION OF A FIVE-UNIT RESIDENTIAL BUILDING ON A LOT HAVING AN AREA OF 5,512 SQUARE FEET; IN A R-4 AND PROPOSED RH-3 USE AND A 50-X HEIGHT AND BULK DISTRICT. (EE77.111)
(POSITIONED FROM MEETING OF JULY 7, 1977.)

Robert Feldman, Planner II, referred to land use and zoning maps to describe the subject property which has a frontage of 45 feet on South Van Ness Avenue and a depth of 122.5 feet for a total area of 5,512 square feet. The property is presently vacant. The applicant proposed to construct a five-unit residential building with a height of approximately 30 feet. Five off-street parking spaces would be provided. The first occupied level of the building would consist of two two-bedroom units and a one-bedroom unit. The second level would have two two-bedroom units. The standards of the R-4 zoning district would allow up to 28 dwelling units to be constructed on the property. The RH-3 district standards, initiated by the Commission on May 20, 1976, would permit three dwelling units to be constructed on the site with additional units allowed at a density of one-unit for each 1,000 square feet of lot area through conditional use authorization by the Commission. Until formal enactment of the new residential zoning standards, such matters are being considered by the Commission under its powers of discretionary review. Mr. Feldman stated that the Negative Declaration for the project would not be finalized until August 9; and, as a result, the Commission could not take final action on this matter until its meeting on August 11.

During the course of Mr. Feldman's presentation, President Lau absented himself from the meeting room.

Vice-President Rosenblatt asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

R. Spencer Steele, Acting Director of Planning, stated that he would be prepared to recommend that the application be approved by the Commission on August 11 subject to conditions which were contained in a draft resolution which had been prepared for consideration by the Commission.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that this matter be taken under advisement until the meeting of August 11, 1977, with the expectation that the Commission would approve the application subject to the conditions which had been recommended by Mr. Steele. President Lau was absent from the meeting room when the vote was taken.

At this point in the proceedings, President Lau returned to the meeting room and reassumed the Chair.

CU77.38 - YERBA BUENA REDEVELOPMENT PROJECT AREA, PROPERTY BOUNDED BY SHIPLEY, O'DOUL, CLARA, AND MALONEY STREETS, EAST OF 4TH STREET AND NORTH OF HARRISON STREET. REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION FOR 140 UNITS OF HOUSING FOR THE ELDERLY IN A 8-STORY BUILDING WITH 29 OFF-STREET PARKING SPACES; IN AN M-1 USE AND 130-G AND 80-K HEIGHT AND BULK DISTRICT. (EXEMPT FROM ENVIRONMENTAL EVALUATION.)

Robert Feldman, Planner II, referred to land use and zoning maps to describe the subject property which contains 48,069 square feet of lot area. The property is presently vacant. He stated that the subject site is one of four elderly housing sites proposed for the southern section of the Yerba Buena Center Redevelopment Area D-1. The site is an inner-block entirely surrounded by streets, approximately 140-units of publicly refinanced housing for the elderly were being proposed for the site. The units would be provided in 8 dwelling levels with dining room and catered kitchen, meeting room, lounge and two indoor recreation rooms on the ground floor. Landscaped open space would be provided on the ground levels; and there would be a second-level roof garden. Fifteen off-street parking stalls would be provided with space reserved for provision of 14 additional off-street parking stalls in the future, if necessary. No commercial uses were being proposed for the site. While housing is not ordinarily permitted in an industrial district, the City Planning Code provides that the Commission may approve housing in an industrial district if the housing is in conformity with a redevelopment plan.

Robert Batchelor, Architect for the proposed project, described the plans which he had prepared. He indicated that the one-bedroom apartments being proposed would have approximately 650 square feet of floor area; and he regarded units of that size to be relatively large. He stated that a landscaped area which would be provided could be converted into additional off-street parking spaces in the future if it is determined that additional off-street parking is needed for the project.

Commissioner Rosenblatt asked what material would be used for the facades of the building. Mr. Batchelor replied that the entire building would be constructed of concrete.

Commissioner Bierman expressed concern about the lack of retail commercial establishments in the area. Mr. Feldman stated that a 200-unit housing project for the elderly at 4th and Howard Streets which had been approved by the Commission previously would provide commercial space. Furthermore, there are other buildings in the area which may be rehabilitated for commercial use.

Edmund Ong, representing the San Francisco Redevelopment Agency, stated that the Agency had allocated a site in the vicinity to the Salvation Army for development of commercial space. While there has been little interest in development of commercial uses in the area in the past, he felt that the situation would be more optimistic in the future.

President Lau asked Mr. Ong if he felt that the Redevelopment Agency could persuade the Salvation Army to proceed with commercial development of the parcel of property which had been reserved for its use. Mr. Batchelor stated that he is a member of the Board of Directors of the Salvation Army; and he indicated that he would discuss the matter with other members of the Board.

A member of the audience stated that he was in favor of the proposed project and felt that it would be particularly desirable to introduce retail activities into the area.

R. Spencer Steele, Acting Director of Planning, recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

It was moved by Commissioner Rosenblatt and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Starbuck asked if the Redevelopment Agency has policies which would permit a mixture of residential and commercial activities on a single parcel of property. Mr. Ong replied in the affirmative and indicated that the Agency would continue to encourage sponsors of new housing to provide certain retail activities as well.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7784 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

At 3:00 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 3:15 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.43 - SOUTHEAST CORNER OF HYDE AND CHESTNUT STREETS.
DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR
CONDITIONAL USE AUTHORIZATION FOR A FOUR-FAMILY
DWELLING WITH SIX OFF-STREET PARKING SPACES ON A
LOT OF 5,950 SQUARE FEET; IN AN R-5 AND PROPOSED
RH-3 USE AND A 40-X HEIGHT AND BULK DISTRICT.
(EXEMPT FROM ENVIRONMENTAL EVALUATION)

R. Spencer Steele, Acting Director of Planning, stated that Harvey M. Freed, Attorney for the owners of properties of 65 Montclair Terrace, had written a letter to the Commission stating that his clients are presently out of town and requesting that this matter be postponed for 45 days. If the matter were to be postponed by the Commission, the earliest it could be returned to the Commission's calendar would be September 22. He indicated that letters in support of the project had also been received; and he stated that the applicant hoped that the Commission would proceed to consider the matter during the course of the present meeting.

Commissioner Bierman expressed the opinion that it is important for the Commission to consider the concerns of neighboring property owners; and, as a result, she moved that consideration of this matter be postponed until the Commission's meeting on September 22.

Commissioner Starbuck seconded the motion. He stated that it was his understanding that the neighboring property owners who would be most impacted by the proposed project were not at home to receive the notice of the hearing which had been sent by the staff of the Department of City Planning; and, as a result, they had not really been given adequate notice of the hearing. Because of the controversy which had been generated by the subject property in the past, he felt that consideration of the proposal presently before the Commission should be postponed until neighboring property owners can be present to participate in the discussion.

Stanley P. Charles, the applicant, stated that he had a great deal of time and money invested in the project; and he hoped to start construction on the project prior to the winter season. The project conforms to the provisions of the City Planning Code; and, in fact, the Code would have allowed the site to be developed with five dwelling units. Under the circumstances, he hoped that the Commission would be willing to proceed with its deliberations as scheduled.

President Lau explained that it has generally been the policy of the Commission to grant requests for postponement when the requests are made by neighboring property owners; however, postponements have been granted for varying length of time.

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Commissioner Starbuck stated that the Commission was aware that the applicant had made a substantial investment in the proposed project. However, the Commission was also aware of the nature of the real estate market in San Francisco; and, given the nature of that market, he did not feel that a short delay would endanger the applicant's investment.

President Lau asked if anyone were present in the audience who would find it inconvenient to appear before the Commission again on September 22 and received a negative response.

Commissioner Rosenblatt asked Mr. Charles if he had reviewed the proposed project with residents of the neighborhood. Mr. Charles replied in the affirmative.

Mr. Freed, who was present in the audience, stated that the applicant had not discussed the project with any of his immediate neighbors.

President Lau encouraged Mr. Charles to meet with Mr. Freed's clients and with other neighboring property owners to discuss the project.

Mr. Freed stated that his clients would not return to San Francisco until September 15; however, he was sure that they would be willing to meet with the applicant prior to September 22, depending on Mr. Charles' availability.

Commissioner Bierman asked Mr. Charles if he would be able to meet with Mr. Freed's clients in the period between September 15 and September 22. Mr. Charles replied in the affirmative.

When the question was called, the Commission voted unanimously to postpone this matter until the meeting of September 22, 1977.

CU77.36

DR77.46(CU) - MOUNT ZION HOSPITAL, 1600 DIVISADERO STREET,
NORTHEAST CORNER OF POST STREET.

- A. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL
USE AUTHORIZATION FOR CONSTRUCTION OF A 7TH
FLOOR ADDITION TO THE EXISTING 6-STORY
BUILDING AT THE NORTHEAST CORNER OF DIVISADERO
AND POST STREETS AND FOR CONSTRUCTION OF A
ONE-STORY-OVER-BASEMENT ADMINISTRATION BUILDING
IN THE COURTYARD 66 FEET NORTH OF POST STREET;
IN A C-2 AND PROPOSED I USE DISTRICT.
- B. REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR
7TH FLOOR ADDITION TO THE EXISTING 6-STORY
BUILDING AT THE NORTHEAST CORNER OF DIVISADERO
AND POST STREETS WHICH WOULD RESULT IN A BUILD-
ING WITH DIMENSIONS IN EXCESS OF THE BULK
STANDARDS OF A 130-E HEIGHT AND BULK DISTRICT.

Robert Feldman, Planner II, stated that the State has ordered Mount Zion Hospital to remove all direct patient services from its building at the corner of Post and Scott Streets which was built in 1912; and the hospital was proposing to construct a 7th floor atop the six-story building at the northeast corner of Divisadero and Post Streets to provide floor area to replace that which is now available in the building which is to be vacated. The building to which the addition will be added was constructed as a five-story building in 1959; but its foundations were designed to accommodate a total of 14 stories. A sixth-story was constructed in 1958. The 7th floor being proposed would contain two nursing units with a total of 63 beds. The hospital also proposed to construct a general services court building of one-story-over-basement to be used as the major day-time entrance to the hospital. The first floor of that building would house the admissions office, administrative offices, a dispensing pharmacy, an accounting office, a gift shop, and a meditation room. The basement of the building would house the dietary services for the entire hospital and staff cafeteria. No changes would result in the hospital's patient bed count or its employment roster as a result of the new construction. He stated that the new space would replace existing space which is no longer considered to be seismically safe by the state. Mr. Feldman stated that the West Bay Health Systems Agency had been notified that the Mount Zion Hospital had filed a Master Plan with the Department of City Planning; but the Department had received a letter from the acting executive director of that agency indicating that his agency would probably not be prepared to undertake the responsibility for Master Plan reviews until December of this year. In accordance with the Institutional Master Plan Ordinance, the deadline for review of the Mount Zion Master Plan by the West Bay Health Systems Agency would be October 30. The Institutional Master

Plan Ordinance also provides that conditional use applications shall not be considered by the Commission for six months following a public hearing on an Institutional Master Plan. However, that section of the ordinance pertains to institutions which are located in residential districts; and the proposal presently under consideration would involve construction in a C-2 district.

Sandra Miller, architect for Mount Zion Hospital, displayed and described plans for the proposed additions to the hospital complex.

Commissioner Bierman asked if the proposed administration building would extend to the sidewalk. Ms. Miller replied that the basement area of the building would extend to the property line; but the first floor of the building would be set back from the sidewalk so that trees could be planted. In addition, a side courtyard would be provided.

President Lau asked if anyone were present in the audience to speak in opposition to the subject application and received a negative response.

Commissioner Bierman asked if the staff of the Department of City Planning was aware of any neighborhood concern about the proposed project. Mr. Feldman replied in the negative. He indicated, however, that residents of the neighborhood were concerned about the possibility that the hospital would propose additional off-street parking lots in adjacent residential blocks; but any proposal for addition off-street parking in a residential district could not be considered by the Commission until six months has elapsed from the date of the Commission's public hearing on the Master Plan for Mount Zion Hospital.

R. Spencer Steele, Acting Director of Planning, stated that the Negative Declaration for the proposed project would not be finalized until August 9; and, therefore, final action on the subject applications could not be taken by the Commission until its meeting on August 11. However, he indicated that he would be prepared to recommend approval of both applications at that time subject to specific conditions.

After further discussion, it was moved by Commissioner Roseblatt, seconded by Commissioner Bierman and carried unanimously that Application DR77.46(CU) be taken under advisement until the meeting of August 11, 1977, with the expectation that the Commission would approve that application subject to conditions at that time.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried 5-1 that Application No. CU77.36 be taken under advisement until the meeting of August 11, 1977 with

the expectation that the application would be approved subject to conditions at that time. Commissioners Bierman, Carey, Elliott, Lau, and Rosenblatt, voted "Aye"; Commissioner Starbuck voted "No".

DR77.42 - 5175 DIAMOND HEIGHTS BOULEVARD, SOUTHEAST CORNER OF SAFIRA LANE.

CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7706036 FOR A 44-UNIT BUILDING IN AN R-3 ZONING DISTRICT (PROPOSED FOR RECLASSIFICATION TO PR) WITHIN THE DIAMOND HEIGHTS REDEVELOPMENT AREA.

(CONTINUED FROM THE MEETING OF JULY 14, 1977.)

R. Spencer Steele, Acting Director of Planning, stated that he had taken the position that the Commission could not legally conduct a discretionary review of a building permit application for a project which is in conformity with an approved redevelopment plan; however, that opinion had been challenged by a member of the public during the Commission's meeting on July 14. Therefore, the Commission had requested that a written City Attorney's opinion be obtained to clarify the issue. An opinion, dated August 3, 1977, had been received from the City Attorney; and the concluding portions of that opinion read as follows:

"It appears from your letter that the City Planning Commission has been requested to review the proposed permit application and to exercise its discretion on the permit application pursuant to Section 26, Part III, of the San Francisco Municipal Code, which authorizes a permit issuing department to exercise its sound discretion as to whether said permit should be granted, transferred, denied or revoked. This section has been the subject matter of an opinion of this office and by various Court decisions, including Lindell Co. vs. Board of Permit Appeals, 23 Cal. 2d 303.

"However, in this case the City Planning Commission has exercised its discretion when it approved the amendments to the Redevelopment Plan, adopted by Ordinance No. 10-64. Under the original plan, as adopted, they were directed by the Board of Supervisors to cooperate and to exercise its functions and powers in a manner consistent with the Redevelopment Plan. One of the provisions of the Redevelopment Plan is to sell land for private redevelopment and the Redevelopment Agency is charged with a duty under the Health and Safety Code to dispose of property in an approved Redevelopment Project area. It should also be pointed out that there is a contract of sale from the Agency to the

developer and third party rights have intervened. The City Planning Commission unilaterally does not have the authority to rescind the action taken by the previous Planning Commission, which found the proposed Redevelopment Plan to be in conformity with the Master Plan.

"Under the facts and circumstances of this case it is my opinion that the Planning Commission does not have the authority to exercise discretionary review of the building permit applications presently pending in the Department of City Planning for approval of the construction of the forty-four (44) unit project."

Based on the written opinion which had been received from the City Attorney, Mr. Steele repeated his recommendation that the request for discretionary review of the subject building permit application be denied.

Jerrold E. Levitin, 1045 Douglas Street, noting that a member of the Commission was absent, asked if that fact would prevent the Commission from acting on the matter under consideration. President Lau replied in the negative, indicating that four members of the Commission constitutes a quorum for the transaction of official business.

Mr. Levitin stated that he agreed with certain parts of the City Attorney's opinion; but he did not agree with the conclusion which had been reached by the City Attorney. He remarked that the Cooperation Agreement which had been signed between the Redevelopment Agency and the City and County of San Francisco relative to the Diamond Heights Redevelopment Project Area addresses itself solely to zoning issues; and he felt that the central issue of the matter presently before the Commission was one of density. He stated that he was convinced that the Commission's exercise of its discretionary review authority in the present instance would be upheld in the courts even if the matter were to be taken to the State Supreme Court; and he indicated that other public agencies, such as the Board of Permit Appeals, had already established a precedent for ignoring an opinion of the City Attorney when it is not pertinent.

Mr. Steele stated that density control has been considered an elemental part of zoning for many years; and he regarded the matter before the Commission to be a zoning issue. Although the Board of Appeals may have ignored opinions of the City Attorney in the past, a case has been taken to the Supreme Court which will establish more precise boundaries over the jurisdiction of that Board. He emphasized that the City Attorney serves as counsel to the Zoning Administrator and to the City Planning Commission; and, while the advice of the City Attorney could be ignored, he felt that it would be foolish for the Commission to ignore the advice of its legal counsel on a case which could be of major consequence.

Commissioner Bierman asked if the 44 dwelling units being proposed would comply with the provisions of the City Planning Code. Mr. Steele replied in the affirmative and indicated that they would also comply with the official Redevelopment Plan for the Diamond Heights area. He also remarked that the proposed project represented the last major development to be constructed in the Diamond Heights Redevelopment Project Area.

Yale Smulyan, Attorney for B.R.B. Homes, the applicant, stated that he had understood from comments made during the meeting of July 14th that the Commission would deny the request for discretionary review if the City Attorney were to rule that the Commission does not have the authority to exercise discretionary review over the subject building permit application. He noted that Brian Ephraim Margolin, an attorney, had submitted a brief to the City Attorney on behalf of Mr. Levitin; and, as a result, the City Attorney had had the opportunity to take their point of view into consideration. He also noted that the Department of City Planning had received a letter from the Redevelopment Agency stating that the proposed project would take advantage of only 58.4% of the density permitted on the subject site. He indicated that he agreed with Mr. Steele's opinion that zoning and density controls amount to the same thing.

President Lau remarked that boards and commissions usually accept the advice of the City Attorney; however, that is not always the case. Under the circumstances, the remarks he had made during the meeting of July 14 were to the effect that the Commission would probably deny the request for discretionary review if the City Attorney should rule that the Commission does not have jurisdiction over the matter; however, since he was not able to anticipate the votes of other members of the Commission, he would not have stated that the Commission would definitely deny the request for discretionary review if a negative opinion were to be received from the City Attorney.

Commissioner Starbuck stated that he agreed with points which were made in the City Attorney's opinion as well as in the letter which had been prepared by Mr. Margolin even though both individuals had reached opposite conclusions. Basically, the City Attorney had taken the position that a previous Commission had exercised its discretion when it had approved the Redevelopment Plan for the Diamond Heights area prior to the signing of the Cooperate Agreement between the Redevelopment Agency and the City and County of San Francisco; and, as a result, he had reached an opinion that subsequent Commissions no longer had the authority to exercise discretion over projects conforming to the Redevelopment Plan. His own feeling was that the Commission should be able to continue to review proposed developments with respect to their conformity to the Master Plan and in terms of changing neighborhood circumstances. He emphasized that redevelopment projects are implemented over a period of years; and

circumstances can change significantly with the passage of time. Particularly when concerns are expressed by neighborhood representatives, he felt that the Commission should at least be able to determine whether the concerns expressed are legitimate. When issues such as the one presently under consideration are raised, he felt that it would be a mistake for the Commission to bow to cooperative agreements which were signed many years ago.

Commissioner Rosenblatt stated that he would be concerned about establishing a precedent for conducting a discretionary review of projects conforming to approved redevelopment plans.

Commissioner Bierman, noting that foundations have already been poured for the proposed project, asked why that work had been done before a building permit had been issued.

Mr. Smulyan replied that work had been initiated on the project under a previously issued building permit which had later been revoked by the Board of Permit Appeals. The reason for the revocation was that the plans which had been submitted called for a twenty foot rear yard whereas a twenty-five foot rear yard would be required by the City Planning Code. Prior to the revocation, grading and foundation work had been done on the site. An appeal had been made to the courts to overturn the action of the Board of Permit Appeals; and that appeal is still pending. In the meantime, the project had been redesigned to provide for a twenty-five foot rear yard. As presently proposed, the project would require no new zoning or any variances from the provisions of the City Planning Code; and it would not take maximum advantage of the density permitted on the site.

President Lau asked when the original permit had been issued. Mr. Smulyan replied that the permit had been issued on November 22, 1976; and work on the site had taken place between that date and the early part of January, 1977.

Mr. Levitin advised the Commission that three additional projects are to be constructed adjacent to the subject site; and he indicated that the proposed project would have between five and eight percent more density than the remaining projects.

Ruth Gravanis, representing the Glen Park Association, noted that Glen Park has a BART station and a major freeway entrance; and she pointed out that residents of the Diamond Heights area wishing to use those facilities must travel along one of three very narrow streets through the Glen Park area. As a result, she felt that the density of the proposed project would have an impact on her neighborhood.

Commissioner Bierman stated that she could see no legal grounds for taking the subject building permit application under discretionary

review; and she remarked that it would be difficult to achieve revisions in the plans for the project since work had already been started on the building. Under the circumstances, she indicated that she would be inclined to follow the advice of the City Attorney.

Commissioner Starbuck stated that Section 26, Part III, of the San Francisco Municipal Code establishes the legal basis for discretionary review. The City Attorney had taken the position that the City Planning Commission and the Board of Supervisors had previously exercised their discretion concerning the Diamond Heights Redevelopment Project, thus precluding subsequent boards and commissions from exercising their own discretion over individual increments of the project; but he indicated that he, personally, disagreed with that opinion.

Commissioner Bierman inquired about the amount of work which has already been done on the subject site. Mr. Smulyan stated that \$70,000 or \$80,000 had already been spent on the project. Mr. Baldwin, also representing B.R.B. Homes, stated that 76 cubic yards of concrete had been poured to provide the foundations for approximately 12-units. In addition, grading work had been done on the site.

Mr. Steele stated it was his personal belief that the addition of 44 dwelling units within the context of the overall redevelopment project area would not create a density problem since a large number of dwelling units have already been constructed in the project area. Furthermore, he did not expect that all of the residents of the proposed dwelling units would travel through the Glen Park area in leaving or returning home. As a result, he recommended that the request for discretionary review of the project be denied.

Commissioner Rosenblatt moved that the request for discretionary review of the subject building permit application be denied. He stated that he had made the motion reluctantly based on the advice which had been offered by the City Attorney and without reference to the comments which had just been made by Mr. Steele.

The motion was seconded by Commissioner Elliott.

Commissioner Bierman stated that she would support the motion with reluctance. While she felt that Diamond Heights has been overdeveloped, it seemed to her that it was too late to reverse decisions which had been made a long time ago; and even if the Commission were to conduct a discretionary review of the subject building permit application, she indicated that she would feel uncomfortable about trying to change the nature of a project on which work had already been done.

Commissioner Starbuck stated that he would vote against the motion. When a previous Planning Commission and Board of Supervisors had approved the Redevelopment Plan and entered the Cooperative Agreement with the Redevelopment Agency, he did not feel that they could have foreseen the nature of planning-related changes which would occur in the future; and, as a result, he felt that the present Commission should be at least able to review the concerns raised by residents of the subject neighborhood about the proposed project to determine if they are legitimate. However, if the Commission were to undertake a discretionary review of the subject building permit application, he doubted that he would vote to require changes in the plans because he did not feel that the concerns which had been expressed to the Commission were justified.

President Lau, predicting that the majority of the Commission would vote to deny the request for discretionary review, remarked that such an action would not imply that the Commission favored either the developer or the individuals who had requested discretionary review but only that the Commission felt that it would be imprudent to follow the advice of the City Attorney.

When the question was called, the Commission voted 5-1 to deny the request for the discretionary review. Commissioners Bierman, Carey Elliott, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

DR77.31 - 1071 GIRARD STREET, EAST LINE, 80 FEET NORTH OF
WARD STREET.
DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 7703252 FOR CONSTRUCTION OF A TWO-STORY, THREE-
UNIT RESIDENTIAL BUILDING IN AN R-3 AND PROPOSED
RM-1 DISTRICT.

(A proposal for a four-unit building on this site was disapproved by the Commission on June 30, 1977.)

Douglas Holmen, Planner II, noted that a proposal for a building permit application for a four-unit building on the subject site had been disapproved by the Commission on June 30, 1977, after a hearing which was held on June 23. Subsequently, the applicant had filed plans for a three-unit building. The building now being proposed would have a height of two-stories at the front property line; however, a third floor would be constructed over the rear portion of the building. The upper unit would be quite large and might appeal to an owner-occupant. The proposed building would cover approximately the same amount of the lot as the four-unit building which had previously been

disapproved by the Commission. Under the current zoning of the property, the Commission could allow up to five units on the site.

Commissioner Bierman asked if the third-floor of the building would be visible from Girard Street. Mr. Holmen replied that some of the windows in the upper level of the building would probably be visible from Girard Street. He indicated that the basic changes which the applicant had made in the plans was to remove one-dwelling unit and one driveway from the plans which had previously been considered by the Commission. He stated that he had taken the revised plans to a neighborhood meeting held during the previous week; and the individuals who had been present at that meeting had requested that the revised plans be made the subject of a discretionary review before the Commission.

Commissioner Bierman noted that the Commission, during the meeting of June 23, had suggested that the applicant meet with residents of the neighborhood to determine whether an agreement could be reached on a two- or three-unit building for the subject site; however, at that time the applicant had indicated that he did not wish to consider a three-unit building. Mr. Holmen stated that the applicant had subsequently changed his mind.

Ardath Nichols, President of the McLaren East Homeowners Association, stated that the neighborhood had experienced problems with the subject property since 1953 when a portion of the site was used illegally for a contractors' storage shed; and they had had to go to court to have that use removed. Eventually, the courts had ruled that the storage shed was inappropriate in an R-1 neighborhood; and she emphasized that the zoning of the area has not been changed since that decision. She remarked that the City Planning Commission, the Department of City Planning, and the League of Women Voters's had gone on record in favor of preserving the character of residential areas of the City; and she urged the Commission to consider the impact which the proposed project would have on Girard Street which is developed as a single-family area.

Samuel Schneider, designer and engineer for the proposed project, stated that the property has been zoned R-3 since 1960; and, prior to that time, it was zoned Second Residential. In the 1960's he had designed a 12 to 15-unit building for the subject property which would have fronted on San Bruno Avenue with all access from Girard Street. That project had been abandoned in 1967 because of financing problems; however, residents of the neighborhood had expressed no opposition to the project. Before filing for a building permit application, the present applicant had checked with the Department of City Planning to determine what could legally be built on the property; and, whereas five dwelling units would have been permitted, only four dwelling units

were proposed initially. At the present time, only three dwelling units were being proposed. Those units would be constructed on a vacant lot which has been used as a garbage dump; and he did not feel that the three dwelling units being proposed would destroy the neighborhood. Furthermore, he remarked that renters should not be considered second or third-class citizens. He stated that the applicant had cooperated as much as possible with the staff of the Department of City Planning; yet, the economics of the situation mandated that a total of three dwelling units be constructed if the permit application were to be approved.

Commissioner Starbuck asked what assurances could be given that the upper unit in the proposed building would be owner-occupied.

Mr. Schneider stated that the upper unit would consist of two-stories and would have three-bedrooms, a large living room, a dining room, a kitchen, and two bathrooms; and he felt that such a unit would be conducive to owner-occupancy. The remaining units would have one- and two-bedrooms respectfully.

Allen McCoy, 1063 Girard Street, confirmed that the subject property has been littered with a considerable amount of rubbish and debris in the past; however, he indicated that residents of the neighborhood had tried to keep it clean. He stated that he was aware of the fact that development of the lot would be an expensive project, particularly if the construction were to take place along the San Bruno Avenue frontage of the lot. He stated that he had worked for a major contractor in 1947; and, even at that time, that contractor had estimated that it would cost at least \$76,000 to build anything on the property. However, he felt that the only development which would be appropriate for the Girard Street frontage of the site would be a single-family dwelling.

Pauline Wood, 1051 Girard Street, stated that residents of the subject neighborhood have struggled to preserve the single-family residential character of the area; and, in leaving the Commission meeting on June 23, they had been under the impression that the action which the Commission proposed to take on June 30 would prevent an apartment house from being constructed on the subject site. Consequently, they had been surprised when they had been advised by the staff of the Department of City Planning that the applicant has subsequently filed plans for a three-unit building. She emphasized that Girard Street is developed with single-family residences; and she indicated that owners of property on the street had never been notified that their properties were zoned for anything other than single-family use. She stated that they had paid a great deal of money to the City in taxes through the years; and, if they were forced to sell their homes, they would not be able to afford comparable replacement housing in today's market.

Commissioner Bierman asked if all of the developed properties in the subject block fronting on Girard Street are in fact developed with single-family houses. Mr. Schneider replied that the property on the northeast corner of Girard Street and Ward Street is occupied by an apartment building.

Commissioner Bierman then inquired about the current zoning pattern in the area. Mr. Steele replied that all properties on the west side of Girard Street are zoned R-1 and are proposed for reclassification to RH-1. Along the east side of Girard Street, properties in the northern half of the subject block are zoned R-1 and are proposed for reclassification to RH-1; but the properties in the southern part of the block and in additional blocks to the south are zoned R-3 and proposed for reclassification to RM-1. The proposed zoning classifications would permit essentially the same type of development as the previous R-1 and R-3 districts.

Commissioner Bierman observed that the basic character of development along Girard Street is single-family in nature; and she felt that the Department of City Planning and the Commission may have made a mistake in including properties on the east side of the street in an R-3 district.

Omar Saleh, the applicant, stated that he had done extensive research before he had purchased the subject property. He had been told by the staff of the Department of City Planning that a five-unit building could be constructed on the property; however, since the square footage of each of the units in a five-unit building would have been quite small, he had proposed to construct four-units on the property. Following the Commission's action on June 30, and because of the concern which had been expressed by residents of the neighborhood, he had subsequently redesigned the project to provide only three dwelling units. Residents of the neighborhood seemed to be concerned about the fact that the proposed building would be occupied by transients; but he felt that it was unfair to designate renters as undesirable people. Furthermore, if the upper unit in the proposed building were occupied by the owner of the building, he expected that the owner would be reluctant to rent the other units to undesirable people. He advised the Commission that he would be willing to continue to work with the staff of the Department of City Planning to design the facade of the proposed building so that it would blend in as much as possible with other buildings in the area; however, because of the size of the lot, he expected that any building constructed on the site would have an appearance noticeably different from that of the other buildings on the street. He stated that he had not become involved in the proposed project for the purpose of exploiting the property or making residents of the neighborhood unhappy; and he did not feel that he should be penalized

merely because residents of the area had been unaware that the property was zoned for apartments. He indicated that he had spent the first 13 years in his craft working for someone else, becoming self-employed only three years ago; and he advised the Commission that all of his money is tied up in the proposed project. If he were not allowed to construct three dwelling units, the project would not be economically feasible; and it would cause him to go broke. In view of the fact that five dwelling units would be permitted by the zoning of the property, and in view of the fact that a four-unit building had been disapproved by the Commission, he felt that approval of a three-unit building would represent a fair solution to the problem.

President Lau asked for a show of hands of individuals present in the audience in opposition to the proposed building. Approximately thirty-five individuals responded. After Mr. Saleh had observed that he could have brought people to the meeting in support of the proposed project, President Lau explained that he had called for the show of hands of those opposed to the project in the hopes that some of the opponents of the project would feel that they had been recognized and that it would not be necessary for them to address the Commission.

Dan Ward, representing the staff of the All Peoples Coalition, stated that he had sat in on the various meetings which had been held regarding the proposed development of the subject property. If the property is zoned for multiple dwellings, he felt that the Commission had made an unfortunate zoning mistake; and he remarked that anyone who looks carefully at the block in question would realize that the vacant lot should not be zoned for multiple dwellings. Following the Commission's meeting of June 23, residents of the neighborhood had been under the impression that the applicant had rejected the Commission's suggestion that he negotiate with residents of the neighborhood for a project containing less than four-units; yet, the applicant was once again before the Commission after having deleted only one dwelling unit from his plans. While the procedures which had been followed might be legal in technical terms, the residents of the area felt that they were being abused by the process. When the present members of the Commission had been appointed, he had understood that they were to be concerned about neighborhood issues; and he believed that the desires of neighborhood residents should carry more weight with the Commission than the amount of profit to be made by a single individual.

Commissioner Bierman felt that it was significant that the applicant had already agreed to compromise by reducing the number of units in the proposed building from four to three. If the Commission were to require further reduction in the number of units, the applicant might decide to sell the property; and the new owner might try to

obtain authorization for five dwelling units. Under the circumstances she suggested that residents of the neighborhood might consider the prospect of accepting the present applicant's compromise.

Mr. Steele stated that development of the subject property with two single-family dwellings would be difficult given the width of the lot; however, he felt that the property could be developed in a reasonable manner with two flats. While such a two-unit building might not be as compatible with the character of the existing development in the area as the three-unit building which had been proposed by the applicant, he felt that such a density would be appropriate given the fact that other properties on Girard Street are developed with single-family houses and in view of the fact that the remainder of the lot fronting on San Bruno Avenue would provide the applicant with an opportunity for erecting a total of ten or eleven-units on the overall site. Therefore, he recommended that the building permit application for a three-unit building be disapproved and that the Commission authorize the staff of the Department of City Planning to approve any two-unit building which may be proposed by the applicant subsequently providing that the design of the building is acceptable to the staff.

Mr. Schneider stated that sizable units would have to be designed if a two-unit building were to be economically feasible; and, as a result, the two-unit building would probably have an appearance quite similar to that of the four-unit building which had been proposed previously. He estimated that the facade would have a height of 30 feet.

Mr. Steele observed that a building on the opposite side of Girard Street has a height of approximately 30 feet.

Commissioner Bierman, noting that Mr. Steele had taken the position that the development of the subject property with two single-family houses would be inappropriate given the width of the lot, asked if the staff intended to delete the provisions for single-family houses on lots ranging from 16 to 23 feet in width from the Residential Zoning Study proposals. Mr. Steele replied in the negative but remarked that narrow townhouses must be very carefully designed; and he doubted that widespread use would be made of the new provisions.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck and carried unanimously that Resolution No. 7785 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission, after due consideration and in its sound discretion, does hereby disapprove Building Application No. 7703252 dated July 15, 1977, for a 3-unit apartment building at the above mentioned address; and

"BE IT FURTHER RESOLVED, That the City Planning Commission hereby approves any two-unit building that may be filed subsequently under Building Permit Application No. 7703252 subject to review and approval by the Department of City Planning staff."

President Lau remarked that either the applicant or residents of the neighborhood could appeal the Commission's decision on this matter to the Board of Permit Appeals.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



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8-1-77

DOCUMENTS

CITY PLANNING COMMISSION

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting Held Thursday, August 11, 1977.

The City Planning Commission met pursuant to notice on Thursday, August 11, 1977, at 2:15 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Joseph Fitzpatrick, Planner III; Robert Feldman, Planner II; David Lynch, Planner II; Mark Winogrand, Planner II; Edward Green, Planner I; Kosrof Chantikian, CETA Staff Aide I; and Lynn E. Pio, Secretary.

Gerald Adams represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of June 30, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Civil Service Department will be conducting an examination for Planner III positions in the Department of City Planning next week.

The Director announced that arrangements are being made for a joint meeting of the City Planning Commission, the Recreation and Park Commission, and the Director of Public Works for consideration of alternate plans for redesign of the Ocean Beach-Great Highway area. The meeting is tentatively scheduled to be held on Thursday, September 15, in the Hall of Flowers in Golden Gate Park. Representatives of the Coastal Commission and the Golden Gate National Recreation Area (GGNRA) are also expected to be present at the meeting.

The Director reminded members of the Commission of a public meeting to be held on Saturday, August 13, at the John Muir School Auditorium, 380 Webster Street, to discuss the possibility of using the Rehabilitation Assistance Program (RAP) to improve housing conditions in the Hayes Valley-Western Addition area. The meeting will be held from 10:30 a.m. until 1:30 p.m.

The Director indicated that he expects to transmit his recommendations on the proposal to designate the Tenderloin District as a RAP area to the Chief Administrative Officer by the end of next week.

The Director advised the Commission that members of the staff of the Department of City Planning have been meeting with representatives of the Chamber of Commerce to discuss industrial siting and a general development strategy for the eastern section of the City.

At this point in the proceedings, Commissioner Rosenblatt arrived in the meeting room and assumed his seat at the Commission table.

The Director reported that he has met with the developers of property at Candlestick Cove as final plans for that project are being prepared. He indicated that slight changes had been made in the site plan for the project; and the amount of office space being proposed has been reduced somewhat.

The Director, reporting on meetings held with the architect of a proposed office building to be located at 180 Montgomery Street, stated that the staff of the Department of City Planning is satisfied with changes which are being made in the plans for the building and indicated that the staff would continue to meet with the architect. He felt that the design of the ground floor level of the building would be acceptable. Furthermore, he believed that the materials to be used for the facade of the building would be compatible with the materials in the facades of adjacent buildings. He indicated that the pre-cast concrete slabs which would be used for the facades of the proposed building would have some detailing which was not reflected in the rendering which had been prepared of the proposed building.

Commissioner Starbuck expressed his appreciation to Mr. Booth, architect of the proposed building, for his willingness to continue to meet with the staff of the Department of City Planning. However, he indicated that he had voted against certification of the Environmental Impact Report for the project because that report did not contain any discussion of the extremely high water waste which would result from the air-conditioning system. Furthermore, he questioned the wisdom of granting a floor area ratio bonus to the building based on the proximity of the building to a BART station when the Environmental Impact Report had indicated that most of the employees housed in the building would use private automobiles rather than public transit.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

The Director stated that the staff had discussed the fenestration of the upper levels of the building with the architect; however,

in order to achieve a fenestration pattern similar to that of older buildings in the area, the building would have to be completely re-designed. As a result, the staff of the Department of City Planning had concluded that the color of the building would be more important than the details of the facade.

President Lau stated that it was the consensus of the Commission that the building permit application for the proposed building could be released; however, he requested the staff to continue to work with the architect for the project.

The Director stated that he had received a letter from Edward I. Murphy, Assistant Director of Planning, stating his intention to retire from City service effective at the end of the workday on Friday, September 16.

Commissioner Starbuck repeated a request which he had made on June 16, asking the staff of the Department of City Planning to investigate the possibility of joint use of the proposed Performing Arts Center Garage, particularly at the street level, and to transmit its recommendations to the Art Commission and the Parking Authority.

Commissioner Starbuck requested that a meeting of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) be scheduled at 11:00 a.m. next Thursday, August 18, to discuss the Residential Zoning Study.

Commissioner Starbuck reported that the staff of the Department of City Planning has been working with the developers of a proposed building at California and Front Streets to achieve design changes in the building which would provide for more sidewalk space; and he suggested that the Commission should send a letter to the developers of the proposed building in support of the staff's position. The Commission requested President Lau to send such a letter to the developers of the proposed building.

PUBLIC HEARING ON PROPOSED AMENDMENT TO THE CONFLICT OF INTEREST CODE OF THE CITY PLANNING COMMISSION AND DEPARTMENT.

Robert Feldman, Planner II, reported on this matter as follows:

"The City Attorney has recommended that the definition of 'income' in Section 8 (a) of Exhibit C of the revised Conflict of Interest Code adopted by the Commission on March 10, 1977 be amended to include the following sentence:

"'Income', other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this code.

"The effect of this change would be to exempt from disclosure any income from outside of San Francisco where the source of such income is an entity with no business connections or business prospects in San Francisco.

"After a public hearing on this amendment and adoption by the City Planning Commission the Director shall transmit the Code to the Board of Supervisors for final action."

President Lau asked if anyone were present in the audience to address the Commission on this matter and received a negative response.

Mr. Feldman distributed copies of a draft resolution which had been prepared for approval of the requested change in the Conflict of Interest Code and recommended its adoption.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7786.

DR77.14 - 63 MULLEN AVENUE, NORTH LINE, 230 FEET EAST OF ALABAMA STREET.

CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705465 FOR A HORIZONTAL EXPANSION OF THE SECOND FLOOR LEVEL OF AN EXISTING BUILDING FOR A BEDROOM, BATH, AND BALCONY, THE REAR BUILDING WALL OF WHICH WOULD HAVE A HEIGHT OF APPROXIMATELY 26.5 FEET.

(CONTINUED FROM MEETINGS OF JUNE 30 AND JULY 14, 1977.)

Robert Passmore, Planner V (Zoning), stated that both the applicant and concerned residents of the subject neighborhood had requested that this matter be further continued until the meeting of September 8; and he recommended that the continuance to the meeting of September 8 be granted.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that this matter be continued until the meeting of September 8, 1977.

CU77.39 - GOLDEN GATEWAY REDEVELOPMENT PROJECT AREA, SOUTH SIDE OF BROADWAY BETWEEN FRONT STREET AND THE EM-BARCADERO, BEING PROPERTY NORTH AND EAST OF WALTON PARK. REQUEST FOR AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF THREE FIVE-LEVEL MIXED-USE BUILDINGS WITH A TOTAL OF APPROXIMATELY 150 ONE- TO FOUR-BEDROOM CONDOMINIUM UNITS OVER TWO LEVELS HAVING A TOTAL OF APPROXIMATELY 250,000 SQUARE FEET OF COMMERCIAL SPACE AND 400 PARKING SPACES. (EE76.263)

RS77.15 - JOINT PUBLIC HEARING WITH THE DIRECTOR OF PUBLIC WORKS ON A TENTATIVE MAP FOR A 50-UNIT CONDOMINIUM SUBDIVISION FOR GOLDEN GATEWAY CENTER, BLOCKS BOUNDED BY THE EMBACADERO, JACKSON AND DAVIS STREETS AND PACIFIC AVENUE; ALL OF ASSESSOR'S BLOCK 171.

R77.33 - REVOCABLE ENCROACHMENT PERMITS FOR PEDESTRIAN BRIDGES ACROSS JACKSON BETWEEN DRUMM AND DAVIS STREETS AND ACROSS DAVIS STREET BETWEEN PACIFIC AVENUE AND BROADWAY FOR GOLDEN GATEWAY NORHT UNIT-1.

The Secretary introduced George Woo, Chief of Surveying and Mapping for the Department of Public Works, who would be holding a public hearing jointly with the Commission on the condominium subdivision aspects of the proposed development.

Charles Gill, City Planning Coordinator, referred to land use and zoning maps to describe the subject property. He indicated that the project would involve construction of a five-level building with fifty residential condominium units over approximately 83,000 square feet of commercial space and parking for approximately 135 cars on each of three blocks proposed for building within the PUD, resulting in a total of 150 dwelling units, 250,000 square feet of commercial space, space for 400 cars. Recreation and open space facilities would be provided on each of the three blocks; this open space would include tennis courts. A condominium subdivision map had been filed for the 50 dwelling units proposed for Assessor's Block 171.

The commercial space facing Sidney Walton Park and Jackson Street would be primarily for retail use; and the remaining commercial space would be for offices. Pedestrian bridges above Jackson and Davis Streets would connect the three buildings with each other and with the existing Golden Gateway development, these bridges would require revocable permits.

He stated that the design of each of the three structures would reflect a continuation of the type of development characteristic of Golden Gateway I and II, consisting of two-story podiums, housing, parking, and commercial uses with residential units on top of the podium level. He indicated that Planned Unit Development authorization was necessary to allow the units in the three buildings to be arranged in such a way as to accomplish the following:

- 1.) Allow two-levels of commercial space without reclassification to a commercial zoning district.
- 2.) Provide common open space and recreation areas in place of rear yards as otherwise required by the City Planning Code.
- 3.) Allow for greater coverage of the site at the occupied levels than allowed for by the Code.

With reference to the proposed condominium subdivision of Block 171, Mr. Gill stated that the Mayor's Office of Community Development had informed the Department of City Planning that no housing subsidies are available for the proposed project.

James Pearce, Project Manager for Golden Gateway North, stated that the proposed project would continue the design concept of the existing Golden Gateway development which consists primarily of the separation of vehicular and pedestrian traffic and a mixture of low-rise residential buildings and office space. He noted that the Commission had already approved amendments to the Redevelopment Plan for the Golden Gateway Project Area to accommodate the proposed project. Subsequently, the plan amendment had been approved by the Board of Supervisors. Therefore, pursuant to the Cooperation Agreement between the Redevelopment Agency and the City and County of San Francisco, he felt that it was incumbent on the Commission to bring the zoning of the subject property into conformity with the revised redevelopment plan; and it was that matter which was presently before the Commission for consideration. He asked for an opportunity to address the Commission again after the staff of the Department of City Planning had made its recommendation on the matters under consideration.

Rodney Friedman, Architect for the applicants, indicated that he was present to respond to any questions which might be raised by members of the Commission.

After further discussion, Robert Passmore, Planner V (Zoning), recommended that the conditional use application be approved subject to the following conditions:

"1. Development shall be in general conformity to the plans and elevations contained in 'Exhibit A' submitted with the application and dated: June 20, 1977 (Sheets 1, 2, 3, 4, 5, 11, 12, 13, and 14) and July 25, 1977 (Final revisions to Sheets 7, 8, 9 and 10). The approval of this development constitutes authorization of the following exceptions from the provisions of the City Planning Code as shown in 'Exhibit A':

"(a) Allow two levels of commercial space in a residential zoning district;

"(b) Provide common open space and recreation areas in place of rear yards; and

"(c) Allow greater coverage of the site at occupied levels of development.

"2. Final plans for each increment of development shall be submitted for approval to the Department of City Planning prior to the issuance of a building permit for that increment.

"3. A landscape master plan for the entire project shall be submitted to the Department for review and preliminary approval; final landscape plans for each increment of development shall be submitted to the Department for approval prior to the issuance of a building permit for that increment. Landscaping of Drumm Street and the recreation facility area should serve to screen the paved facilities from the rest of the project while permitting the maximum practicable views toward the Bay along Jackson and Drumm Streets and Pacific Avenue.

"4. The residential economic analysis which, under the provisions of the Redevelopment Plan, is to be conducted prior to the development of Blocks 167 and 168, shall be transmitted to the Department of City Planning for their use in the review of final plans for these Blocks. Said analysis is to be conducted under the auspices of the developer and the Redevelopment Agency for the purposes of determining to what extent residential use can be the primary use and take precedence over other permitted uses on Blocks 167 and 168. Development of residential use shall take the greatest possible precedence.

"5. Commercial uses on the ground level of the western side of Block 171 and the southern side of Block 167, which sides face existing Walton Square, shall be only neighborhood shopping facilities in the nature of personal service establishments or retail businesses, unless such uses are proven to be impractical. There shall be no vehicular access through these sides.

"6. That portion of the parking facilities within each building which is not specifically reserved for the use of residents of the project, shall be designed and operated such that long-term parking for commuters is discouraged and instead, short-term parking for visitors to the project is encouraged.

"7. Pedestrian access shall be provided through the project on vacated Pacific Avenue between Front and Drumm Streets and on vacated Drumm Street between Jackson Street and Broadway. Convenient public access shall be provided between the circulation system on top of the podium and the ground-level pedestrian routes to the waterfront and to Walton Square.

"8. Final plans for each increment of development shall conform to the provisions of the City Planning Code as to off-street loading spaces and as to encroachment of bay windows and balconies over public streets.

"9. Approval of the pedestrian bridges over Jackson and Davis Streets, as shown in 'Exhibit A,' is contingent upon the approval of revocable encroachment permits by the Board of Supervisors."

Commissioner Starnock asked if the developers had offered any suggestions as to how the sixth condition of the draft resolution could be implemented. Mr. Passmore replied that he felt that design features and operational practices could be devised to aid in the implementation of that condition; however, he acknowledged that further discussion was needed.

Mr. Pearce expressed opposition to Condition No. 5 of the draft resolution. He felt that use of the word "impractical" rendered the condition too vague; and he suggested that the following language should be substituted for Condition No. 5 in the draft resolution:

"Golden Gateway North shall give priority to retail tenants over office tenants in the first floor commercial space fronting directly on to Sydney Walton Square Park in blocks R-II (b) and R-III (b). (Redevelopment Agency block designations--see attached). Golden Gateway North shall be deemed to have extended such priority if it shall have offered such space for a period of 3 months through the local real estate brokerage community at a leasing rate which is equal to that contemplated for office use of such space. Space not leased to retail tenants during such period could then be leased by Golden Gateway North for general office use. Under all circumstances, however, Golden Gateway North retains its right to exercise its good faith judgement in excluding potential retail tenants whose use of the property would be inconsistent with the objective of making the entire Golden Gateway Redevelopment Area a viable integration of commercial uses and residential uses."

Mr. Gill remarked that the commercial space referred to in Condition No. 5 of the draft resolution represented only 10% of the commercial space which would be available in the proposed project; and, as a result, the staff of the Department of City Planning had not felt that it would be unreasonable to require that that space be used for retail businesses. He agreed, however, that use of the word "impractical" rendered the condition somewhat vague.

Mr. Passmore recommended that the language of the condition remain unchanged but suggested that the minutes of the meeting should reflect the general thoughts of the staff and the Commission as to how the word "impractical" might be interpreted when the building permit application for the project is being considered.

Commissioner Starbuck said that it was his opinion that the language recommended by the staff and the language recommended by Mr. Pearce would have the same effect.

Mr. Pearce stated that he felt that the language which he had proposed would define the developers' responsibility in more practical terms.

Commissioner Bierman noted that it was apparent that the staff of the Department of City Planning felt that retail activity would be necessary to serve the occupants of the residential portion of the development; and, in view of the fact that there would be turnover in the retail space, she did not feel that the three month period which had been suggested by Mr. Pearce would provide enough time to undertake an honest effort to find retail tenants for the commercial space fronting on Walton Square.

Mr. Pearce stated that commercial space would undoubtedly be available within the project after the three month period which could be used for either retail tenants or offices; however, if retail tenants were unavailable, the developers would like to have the opportunity to seek office tenants for the commercial space. He remarked that a great deal of retail space has been made available in previous increment of development in the Golden Gateway; and he felt that there may not be a significant market for additional retail space in the area. If retail tenants can be found who would be willing to pay the same rental rates for retail space that office space would command, the developers would have no preference between retail and office tenants.

President Lau inquired about the amount of floor area which would be affected by Condition No. 5 of the draft resolution. Mr. Pearce replied that approximately 8,000 square feet of commercial space would be affected in each of the two phases of the proposed project.

Commissioner Rosenblatt asked for a comparison between rental for retail space and office space in the completed portions of the Golden Gateway project. Dave Towner, Manager of the Golden Gateway Center, replied that rental rates for retail space in the Embarcadero Center range from zero (based on a straight percentage) to rates comparable to those charged for office space. However, the average rate for retail spaces is 50¢ a square foot. Rental rates for office space range from 85¢ a square foot to \$1.00 a square foot.

Commissioner Rosenblatt, noting that Mr. Pearce had stated that the developers would have no preference between retail or office tenants providing that equal revenue could be obtained from both, remarked that it was unlikely that they would attract any retail tenants at all if they plan to charge 85¢ to \$1.00 a square foot when the average rate for retail space in the Embarcadero Center is 50¢ a square foot.

Mr. Pearce stated that he recognized the problem; however, he felt that it was possible that some establishments would be willing to pay the higher rate for retail space. However, the developers hoped to be able to pursue office tenants if their promotion of the space for retail purposes is unproductive.

Mr. Towner stated that some retail space in the Golden Gateway Center rents for as little as 22¢ a square foot while other retail space rents for up to \$1 a square foot; and, if competitive retail businesses were to be housed in the proposed project, he feared that some of the existing retail tenants in higher priced space might be forced out of business.

Commissioner Bierman asked who would ultimately decide whether retail uses in the proposed project are "impractical" if the draft resolution were adopted as recommended by the staff. Mr. Passmore replied that the staff of the Department of City Planning would bring any issues which might arise before the Commission for resolution.

Commissioner Bierman then remarked that she believed that the staff of the Department of City Planning would be satisfied if a good faith effort were made on the part of the developers to find retail tenants; and, if that effort should prove to be futile, she felt that the staff would deal reasonably with the situation. Therefore, she encouraged the developers to cooperate with the staff.

Commissioner Starbuck stated that he, also, was willing to accept the language which had been recommended by the staff for Condition No. 5. He did not feel that a three-month offering of the space for retail use, as suggested by Mr. Pearce, would afford sufficient exposure of the space to warrant a determination as to whether or not marketing of the space for retail purposes is impractical. When Mr. Pearce asked Commissioner Starbuck how long he felt that the retail space should be kept on the market, Commissioner Starbuck replied that he felt that the space should be available for retail tenants for at least one year.

Mr. Pearce remarked that the difference between three months and one year was an indication of the extent of the difference of opinion between the developers and the Commission.

Commissioner Starbuck stated that he felt that the Commission would approach the matter reasonably; and, if the developers were to return to the Commission after five months stating that they had listed the space with several brokers and had taken other positive steps to market the space to retail tenants but were still of the opinion that the matter was hopeless, he expected that the Commission would authorize rental of the space to office tenants.

Commissioner Dearman stated that she may have occasion to walk through the project in the future; and, in that case, it would be important to her to have retail activities available.

President Lau remarked that the developers should be able to rent 8,000 square feet of retail space within a period of six months if there is a market for such space; and, if no market exists, he did not feel that the Commission would expect the developers to rent the space at a loss.

Mr. Pearce asked if the Commission would be satisfied if the space were placed on the market for six months prior to the time that it is completed.

Commissioner Bierman stated that she is not an expert in the field of real estate. However, the staff felt that it was important that some of the commercial space in the proposed project should be used for retail activity; and, since the staff is not accustomed to recommending conditions lightly, she felt that the Commission should adopt Condition No. 5 as recommended by the staff and see how the situation develops.

Commissioner Rosenblatt remarked that he was not altogether satisfied by the developers position that retail rentals would have to provide revenue comparable to that which would be provided by office tenants. He believed that the amenity value of retail space in the area under consideration would be very strong; and he indicated that he would not be adverse to requiring that the space be held for retail tenants even though such a requirement might lessen the developers' profits to some extent. He emphasized that only a small amount of floor area was involved.

Mr. Pearce remarked that the economics of the project had been discussed when the amendments to the Redevelopment Plan were being considered by the Commission last fall; and, at that time, he had emphasized the importance of the commercial space as a support for the mixed-use concept. In that regard, he felt that it was important that the commercial space should command the best prices possible in the marketplace.

President Lau expressed the opinion that the Commission had been remarkably complacent in approving the amendments to the Redevelopment Plan which had been requested by the developers; and he felt that the reason for that complacency was that the Commission had been convinced that the project would not be feasible without the commercial space. However, in considering how the commercial space was to be allocated, the Commission felt that a good faith effort should be made to provide some retail activity within the project; and he hoped that the developers would be willing to accommodate the Commission in that regard.

Mr. Passmore noted that any conditions established by the Commission could be appealed to the Board of Supervisors; and, in view of the fact that the Board had been unwilling to accept the Commission's recommendation that an absolute requirement for retail frontages facing Walton Square be established, under provisions of the Redevelopment Plan the Board might not be willing to support Condition No. 5 of the draft resolution which was presently under consideration.

Mr. Pearce stated that there was also concern about Condition No. 6 of the draft resolution which specified that public parking spaces within the garage structures should be designed and operated to discourage long-term parking for commuters and to encourage short-term parking for visitors.

Mr. Friedman explained that each of the garages would have approximately 130 parking spaces of which as many as 100 spaces would be reserved for residential tenants. That would leave only 30 parking spaces in each building for visitors; and it would not be economically feasible to hire an attendant to make sure that those spaces are used for short-term parking. He emphasized that the garages in the proposed buildings were not intended to serve retail shoppers.

Mr. Pearce expressed concern about the possibility that short-term parking would cause security problems; and, if short-term parking were available in the buildings, he believed that people visiting the area from other sections of the downtown area would actually be encouraged to use their own private automobiles rather than public transit.

Mr. Passmore stated that the staff of the Department of City Planning would be willing to withdraw its recommendation for inclusion of Condition No. 6 in the draft resolution if the developers could guarantee that 100 of the 130 parking spaces in each of the proposed buildings would be reserved for residential parking. Mr. Pearce replied that he could not guarantee that 100 of the parking spaces in each of the buildings would be reserved for residential use; however, he expected that the tenants of most of the dwelling units would have one or two automobiles.

Mr. Pearce then referred to Condition No. 4 of the draft resolution. He noted that the Commission and the developers had had a difference of opinion when the residential economic analysis was discussed last fall; and that difference of opinion was resolved by the inclusion of the following language in the amended redevelopment plan for the Golden Gateway: "Where, neighboring shopping, general commercial, and office uses are developed with residential uses, residential shall be the primary use and shall take precedence over other permitted uses upon development to the extent that the Agency (Redevelopment Agency) and the redeveloper shall find such precedence to be economically feasible." He hoped that the language of Condition No. 4 of the draft resolution was intended to be consistent with the language which he had just cited from the Redevelopment Plan.

Mr. Passmore stated that the language of Condition No. 4 of the draft resolution was not intended to be inconsistent with the language of the Redevelopment Plan.

Mr. Friedman, referring to Condition No. 8 of the draft resolution, stated that he was assuming that the language of that condition would not require that the off-street loading spaces be located within the proposed buildings. After discussion, Mr. Passmore stated that the off-street loading spaces would not have to be located within the buildings; and he recommended that the reference to off-street loading spaces in Condition No. 8 of the draft resolution be deleted.

Commissioner Bierman referring back to the earlier discussion of Condition No. 6 of the draft resolution, asked Mr. Pearce if he still felt that the developers should be allowed to have long-term commuter parking in the garages in the proposed buildings. Mr. Pearce replied that the developers did not wish to have any restrictions placed on the use of the parking spaces.

Commissioner Starbuck asked how parking spaces are allocated in existing buildings in the Golden Gateway Center. Mr. Pearce replied that virtually all of the spaces are leased to residents of the buildings.

Commissioner Bierman stated that it was her understanding that the staff was of the opinion that most of the parking spaces in the garages would be available to residents of the buildings and their guests; and she did not understand why such usage would require that an attendant be on duty. Mr. Pearce replied that an attendant would be necessary for security reasons. People parking on a short-term basis could pose a security problem for the residential units in the buildings; and they would add to noise and congestion problems in the area. If attendants had to be hired, their salaries would add to the cost of the condominium associations.

Mr. Friedman noted that some of the conditions which had been included in the draft resolution, including the requirement for encouraging short-term parking, had not received the endorsement of the Board of Supervisors when the amendments to the Redevelopment Plan were being considered.

President Lau explained that the conditions were intended to address issues which were of concern to the Department of City Planning.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried 6-1 that the draft resolution, with the amendment to Condition No. 8 which had been recommended by Mr. Passmore, adopted as City Planning Commission Resolution No. 7787. Commissioners Bierman, Carey, Dearman, Elliott, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

Commissioner Starbuck explained that he had voted negatively because he felt that the balance between the amount of commercial space and residential space in the project was not consistent with Master Plan policies and because the developers had apparently made no effort to provide economically integrated housing in the project.

Mr. Passmore then recommended that a draft resolution which contained the following resolved clauses be adopted by the Commission:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that governmental subsidies for low and moderate income occupancy are not available to the subdivider, and consequently, that the subdivider is not required by the Subdivision Code to make available ten percent of the proposed units for low and moderate income occupancy;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision of the Golden Gateway North Project, Unit One, as set forth in the tentative map submitted with Referral No. RS77.15 is consistent with the Master Plan, provided, however, that the following conditions are complied with:

- "1) The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
- "2) The subdivider shall comply with all conditions set forth in Resolution No. 7787 of the City Planning Commission, adopted August 11, 1977, authorizing Golden Gateway North as a Planned Unit Development."

President Lau asked Mr. Woo if he cared to comment on the condominium subdivision aspects of the matter before the Commission. Mr. Woo replied in the negative.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried 6-1 that the draft resolution which had been recommended by Mr. Passmore be adopted as City Planning Commission Resolution No. 7788. Commissioners Bierman, Carey, Dearman, Elliott, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No". Commissioner Starbuck indicated that he had voted negatively on this matter for the same reasons which he had expressed in voting negatively on the conditional use application.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

President Lau asked if an ethnic breakdown of the current residents of the Golden Gateway Center is available. Mr. Towner replied that certain ethnic data had been sent to the Federal Housing Administration; however, he did not have that data at hand.

Commissioner Starbuck stated that it would be helpful to the Commission if Mr. Towner could make that data available. After Mr. Towner had asked how the data would be used by the Commission, Commissioner Starbuck explained that the data would help the Commission to determine what needs are being met by the new housing which is being constructed in Downtown San Francisco.

Mr. Towner stated that he felt that the Commission would find that the data is not totally reliable.

Commissioner Bierman asked how the developers would be able to comply with Condition No. 1 of the resolution which had just been adopted and which would require the sales program for the project to promote affirmative action in housing if they do not maintain reliable figures on the ethnic breakdown of their tenants. Mr. Pearce replied that the developers intended to fulfill the obligation established by that condition through advertising.

Commissioner Bierman then suggested that the developers should take an alternative approach if the advertisements do not attract minority tenants. Mr. Pearce stated that the developers recognized their responsibilities and intended to honor them.

Mr. Passmore recommended that the Commission authorize the Director to report that the granting of a revocable encroachment permit for pedestrian bridges over Jackson Street between Davis and Drumm Streets and over Davis Street between Pacific Avenue and Broadway is in conformity with the Master Plan.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the Director be authorized to report that the granting of the revocable encroachment permit for pedestrian bridges over Jackson Street between Davis and Drumm Streets and over Davis Street between Pacific Avenue and Broadway is in conformity with the Master Plan.

DR77.52 - SOUTHWEST CORNER OF GROVE AND FRANKLIN STREETS.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NO. 7705838 FOR A PROPOSED
OFFICE BUILDING FOR THE SAN FRANCISCO BOARD OF REALTORS.

Robert Passmore, Planner V (Zoning), stated that the Landmarks Preservation Advisory Board had requested the Commission to conduct

a discretionary review of the subject building permit application. He displayed a rendering of the proposed building; and he described the types of buildings and uses which presently exist in the vicinity of the subject site. Referring to a draft of the minutes of the meeting of the Landmarks Preservation Advisory Board held on August 3, he reported that the members of that Board felt that the site of the proposed building, adjoining the Civic Center area, made the situation unique and exceptional; and they believed that the building should provide a transition between the Civic Center and the adjoining area. They found the appearance of the proposed building to be "forbidding, unfriendly, and uninviting, with no sense of warmth, looking like a facility for storage, and turning its back to the City and turning inward onto itself". After the Landmarks Preservation Advisory Board had failed to achieve design changes in the plans for the proposed building, they had decided to request the Commission to conduct a discretionary review of the proposal. During the Board's meeting on August 3, the staff of the Department of City Planning had indicated that it would not support a request for discretionary review before the Commission. Since that time, the staff had had additional meetings with the architects for the project; and the architects had indicated that they would be willing to continue to work with the staff to make exterior changes in the building, to add landscaping to the site, and to provide more articulation to the facades of the building. The architects had also indicated a willingness to consider different building materials for the structure. As a result, he felt that the problems could be handled through consultation between the staff of the Department of City Planning and the architects for the project without a necessity for holding up the building permit application for the project or bringing the matter before the Commission for discretionary review.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that she recognized that discretionary review should be taken only when exceptional circumstances prevail. She indicated that the members of the Landmarks Preservation Advisory Board have a great deal of respect for the architects working on the project; and she felt that the problems with the project could be resolved without the necessity of a discretionary review. However, she urged that the staff be instructed to work closely with the architects so that the proposed building will be compatible with other buildings in the Civic Center area which may soon be designated as an historic district.

Commissioner Bierman asked if it would be possible for the Commission to continue consideration of the request for discretionary review pending a report from the staff on the results of further discussions between the staff and the architects. Mr. Passmore replied in the affirmative.

Commissioner Rosenblatt suggested the alternative of denying the request for discretionary review but asking the staff of the Department of City Planning to hold the building permit application for the project until such time as it is satisfied that the problems with the design of the building have been overcome to the maximum extent possible.

Piero Patri, one of the architects involved in the project, stated that the subject building permit application has been in the Department of City Planning for quite some time; and he indicated that the Board of Realtors' option on the property has certain time limitations. Under the circumstances, he hoped that the mechanism of permit processing could continue; and he assured the Commission that he would be willing to work closely with the staff of the Department of City Planning in making adjustments to the plans.

Francis L. Whisler, Mr. Patri's associate, stated that he was confident that they would be able to satisfy the staff of the Department of City Planning in terms of plan revisions; however, he questioned whether they would be able to satisfy all of the individual members of the Landmarks Preservation Advisory Board.

President Lau stated that he expected that members of the City Planning Commission would be satisfied if the architects make a good faith effort to meet the concerns which had been expressed by the members of the Landmarks Preservation Advisory Board.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be continued until the meeting of August 18, 1977.

At 4:35 p.m. President Lau announced a 10-minute recess. The Commission reconvened at 4:45 p.m. and proceeded with hearing of the remainder of the agenda.

PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR THE SAN FRANCISCO CONSERVATORY OF MUSIC, 1201 ORTEGA STREET, SOUTH LINE, BETWEEN 19TH AND 20TH AVENUES; IN AN R-3 AND AN R-1 DISTRICT.

Wayne Rieke, Planner IV (Zoning), reported on this matter as follows:

"The San Francisco Conservatory of Music is a small school with about 180 students in the collegiate program, an additional 100 students in an adult extension program and about 300 students age 3-18 in the preparation program.

"The site area has approximately 1.3 acres, so it is just large enough to require a full institutional master plan.

"Although the primary purpose of the San Francisco Conservatory is to train performing musicians, it has a significant program of teaching humanities and is trying to give its students a well rounded education. It is accredited by Western Association of Schools and Colleges. Therefore, it is an academic institution of higher learning rather than the type of art or music school generally classified among trade schools and exempt from institutional master plan requirements.

"The Conservatory is in a residential zoning district (R-3 and R-1-I) but is directly across 19th Avenue from a commercial district occupied by an auto dealer and a gasoline service station.

"From 1972 to 1976 the Conservatory embarked upon an expansion program which involved a new 340 seat auditorium, some class rooms and 45 off-street parking spaces. The original proposal would have included an underground parking garage, a new library and a new small recital hall. Because of economic consideration, open parking was substituted for the parking garage and the building of the library and recital hall was delayed. The Conservatory now intends to remodel existing spaces for an expanded library and to build the new recital hall when it raises the necessary funds.

"There have been a number of telephone calls generated by the public notice of this master plan hearing. One neighbor told me he would write a letter spelling out his concern primarily his feeling that more off-street parking is needed. I have not received the letter.

"The institutions master plan ordinance permits that this hearing is for receipt of public testimony only and shall in no way constitute approval or disapproval of the institutions master plan. However, it is appropriate for the Planning Commission to indicate its concerns and to request the institutions to provide additional information before future hearings are held."

Paul Resnick, representing the San Francisco Conservatory of Music, referred to site plans for the Conservatory to indicate where future construction will eventually take place as proposed in the Institutional Master Plan document. He stated that it may eventually be feasible to develop a parking garage on the site if a variance can be obtained from the City; however, such a project would not occur for a long time. He stated that the present preference of the Conservatory is to retain the present parking arrangement on the site;

and he remarked that the new parking spaces which had been added in recent years have dramatically reduced the parking problem in the neighborhood.

No one was present in the audience to be heard on this matter. President Lau expressed the Commission's appreciation to Mr. Resnick for attending the meeting.

PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR THE CALIFORNIA COLLEGE OF PODIATRIC MEDICINE, 1770 EDDY STREET, IN THE BLOCK BOUNDED BY EDDY, SCOTT, ELLIS, AND PIERCE STREETS; IN AN R-3 DISTRICT.

Wayne Rieke, Planner IV (Zoning) reported on this matter as follows:

"The California College of Podiatric Medicine is a small medical school and hospital in the Western Addition Redevelopment Project Area A-2. Approximately 300 students occupy a campus of about 2½ acres. Twenty-eight beds are available in the small teaching hospital. There are 128 off-street parking spaces provided, 118 of which are in a two-story parking structure.

"This institutional master plan proposes a two phase development the first phase of which is completed. Yet to be built is a two-story administration and instruction building along Scott Street on a site now used by a small temporary building and 10 off-street parking spaces. When the new building is built, the existing Nelson Hall, built before 1914 and which does not meet current standards for school buildings can be razed. The timetable for this new construction is not spelled out.

"The development of the surrounding area is predominantly residential with much of it new or in the process of rehabilitation as a part of the redevelopment project."

Homi Jamshiv, Director of Business and Finance for the California College of Podiatric Medicine, stated that the college needs additional funds before the proposed construction program can be initiated; and he estimated that it would be at least two years before the college would be able to implement its Master Plan.

Commissioner Dearman noted that the Master Plan indicated that the college hoped to increase its student enrollments by 55%; and she questioned whether ample parking would be available to accommodate the additional demand.

Mr. Jamshiv stated that the hospital currently has a new 118 space parking garage and a parking lot with 10 spaces; and he indicated that the parking spaces are vacant at least 50% of the time.

Commissioner Dearman then asked how much the college charges for parking. Mr. Jamshiv replied that a fee of 50¢ is charged for an entire day; and he indicated that the college had determined that the spaces were not fully utilized even when they were offered free. He stated that the parking garage was designed to have two additional levels added in the future; however, he saw no reason for expanding the garage while it remains under-utilized.

Commissioner Dearman stated that she was confused by a reference to "23 countries" on page 5 of the Master Plan. Mr. Jamshiv replied that the reference should have been to "counties" rather than "countries".

Commissioner Bierman noted that the first page of the letter from Jerry Strickler, which constituted Appendix 3A of the Master Plan, was missing. Mr. Jamshiv acknowledged that the sheet had been omitted when the Master Plan was collated.

Commissioner Dearman stated she was concerned about the fact that only 10% of the students of the college are members of "under-represented populations"; and she felt that reference to those students as "non-whites" would be more appropriate than use of the phrase "under-represented populations". She stated that she had lived in the subject neighborhood as a child and remembered that the college had had very few non-white students at that time; and it appeared to her that the college had not achieved a much broader ethnic representation since that time. The Master Plan indicated that one-third of the employees of the college are non-whites; and she wondered if the non-white employees are involved in decision making or if they are assigned to more menial tasks.

Mr. Jamshiv advised the Commission that the college has ten board members, one of whom is black. Two of the college's top administrators are black; and, of the twenty department heads employed in the college, five are black. He indicated that the college is making an attempt to become more and more integrated.

Commissioner Dearman stated that she appreciated the fact that the Master Plan had acknowledged that the beds and in-patient services of the California Podiatry Hospital do constitute a share of the excess capacity of in-patient services in San Francisco. However, she felt that it was unfortunate that the college had taken the position that circumstances would probably make it necessary to continue operation of the 28-bed hospital; and she felt that the college should be aware that the Commission had been encouraging other medical institutions to eliminate overlapping services.

Mr. Jamshiv stated that the college had attempted to negotiate a working agreement with Mount Zion Hospital for shared facilities; however, had such an agreement been entered, it appeared that the college would have been swallowed up by the larger facility.

Doctor Shea, also representing the California College of Podiatric Medicine, stated that podiatric treatment does not generally require the facilities of an acute hospital; however, the college does have a need for training its students in other areas of medicine. While the college would be willing to use the facilities of other institutions for that purpose, the college had found that other institutions were either unwilling to enter a reciprocal agreement or that they would have taken away the college's own identity.

No one else was present to be heard on this matter.

CU77.36

DR77.46 (CU) - MOUNT ZION HOSPITAL, 1600 DIVISADERO STREET, NORTHEAST CORNER OF POST STREET.

- A. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR CONSTRUCTION OF A 7TH FLOOR ADDITION TO THE EXISTING 6-STORY BUILDING AT THE NORTHEAST CORNER OF DIVISADERO AND POST STREETS AND FOR CONSTRUCTION OF A ONE-STORY-OVER-BASEMENT ADMINISTRATION BUILDING IN THE COURTYARD 66 FEET NORTH OF POST STREET; IN A C-2 AND PROPOSED I USE DISTRICT.
- B. REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A 7TH FLOOR ADDITION TO THE EXISTING 6-STORY BUILDING AT THE NORTHEAST CORNER OF DIVISADERO AND POST STREETS WHICH WOULD RESULT IN A BUILDING WITH DIMENSIONS IN EXCESS OF THE BULK STANDARDS OF A 130-E HEIGHT AND BULK DISTRICT.
(BOTH APPLICATIONS UNDER ADVISEMENT FROM THE MEETING OF AUGUST 4, 1977.)

Robert Passmore, Planner V (Zoning), noted that the public hearing on these matters had been held and closed during the meeting of August 4; however, the Commission had not been able to take final action on the matters on that date because the Environmental Evaluation for the project had not been completed. At the previous meeting, the staff had indicated its intention to recommend approval of both matters subject to conditions; and the Commission had taken the matters under advisement with the expectation that they would be approved during the present meeting. He then recommended that Application DR77.46 (CU) be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried 5-1 that the draft resolution be adopted as City Planning Commission Resolution No. 7789 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore. Commissioners Bierman, Carey Lau, Rosenblatt, and Starbuck voted "Aye"; Commissioner Dearman voted "No".

Mr. Passmore then recommended that Application CU77.36 be approved subject to two conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried 4-2 that the resolution be adopted as City Planning Commission Resolution No. 7790 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore. Commissioners Bierman, Carey, Lau, and Rosenblatt votes "Aye"; Commissioners Dearman and Starbuck voted "No".

CU77.40 - 850 BRYANT STREET, NORTH LINE, BETWEEN 7TH AND HARRIET STREETS.

REQUEST FOR AUTHORIZATION FOR CONSTRUCTION OF AN ADDITION TO THE EXISTING HALL OF JUSTICE OVER THE EXISTING CORONER'S OFFICE FRONTING ON HARRIET STREET WHICH WOULD HAVE BUILDING DIMENSIONS IN EXCESS OF THE BULK STANDARDS OF THE CITY PLANNING CODE. THE PROJECT WOULD ADD TWO COURTROOM FLOORS AT THE SECOND AND THIRD LEVELS OF THE BUILDING AND TWO ELEVATOR TOWERS AND SMOKE SHAFTS SIX STORIES IN HEIGHT (THREE ADDITIONAL FLOORS OF OFFICE SPACE ARE CONTEMPLATED FOR FUTURE DEVELOPMENT); IN A P-USE AND 105-K HEIGHT AND BULK DISTRICT (EE77.212)

(UNDER ADVISEMENT FROM THE MEETING OF AUGUST 4, 1977.)

Robert Passmore, Planner V (Zoning), noted that the public hearing on this matter had been held on August 4, 1977. The Commission had been unable to take final action on the application on that date because the Environmental Evaluation for the project had not been completed; however, the Commission had closed the public hearing and had indicated that it expected to approve the application subject to conditions during the current meeting. He distributed copies of a draft resolution which had been prepared for approval of the application subject to three specific conditions; and, after summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried 5-1 that the draft resolution be adopted as City Planning Commission Resolution No. 7791 and that the application be approved subject to the conditions which

had been recommended by Mr. Passmore. Commissioners Bierman, Carey, Dearman, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

DR77.36 - 780 SOUTH VAN NESS AVENUE, WEST LINE, 75 FEET NORTH OF 19TH STREET.

DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR CONSTRUCTION OF A FIVE-UNIT RESIDENTIAL BUILDING ON A LOT HAVING AN AREA OF 5,512 SQUARE FEET; IN AN R-4 AND PROPOSED RH-3 USE AND A 50-X HEIGHT AND BULK DISTRICT. (EE77.111)
(UNDER ADVISEMENT FROM THE MEETING OF AUGUST 4, 1977.)

Robert Passmore, Planner V (Zoning), stated that the public hearing on this matter had been held on August 4, 1977. The Commission had been unable to take final action on the matter at that time because the Environmental Evaluation for the project had not yet been completed. However, the Commission had closed the public hearing and had indicated that it expected to approve the application subject to conditions during the present meeting. He distributed a draft resolution which had been prepared to approve the applications subject to specific conditions; and, after summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7792 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

The meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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CITY PLANNING COMMISSION

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Minutes of the Regular Meeting held Thursday, August 18, 1977.

The City Planning Commission met pursuant to notice on Thursday, August 18, 1977, at 2:15 p.m. in the Commission Meeting Room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, George Carey, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice-President; and Roger Boas, member of the City Planning Commission.

The Staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Janis Birkeland, City Planning Coordinator; Charles Gill, City Planning Coordinator; Wayne Rieke, Planner IV (Zoning); Dick Swanson, Staff Assistant IV; Wilbert Hardee, Planner III; Marie Zeller, Planner III; Patricia Salinas, Staff Assistant III; Robert Feldman, Planner II; Robin Jones, Planner II; Gary Lee, Planner II; David, Staff Assistant II; Kosrof Chantikian, Ceta Staff Aide I; Eva Levine, Ceta Staff Aide I; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

Commissioner Bierman called attention to two clerical errors in the minutes of the meeting of July 21. It was then moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of July 21, 1977, be approved with corrections.

CURRENT MATTERS

President Lau informed the Commission that he had announced his candidacy for Supervisor from the first Supervisorial District. Therefore, in fairness to members of the public who may have matters coming before the Commission, and in view of Mayor Moscone's directive that Commissioners who desire to run for office should leave their Commission posts, he had submitted his resignation from the City Planning Commission to the Mayor earlier in the day. He stated that he had enjoyed serving on the Commission with the other Commissioners; and he expressed high regard for the staff of the Department of City Planning. He then departed from the Commission meeting.

Rai Y. Okamoto, Director of Planning, reported that the Board of Permit Appeals had cancelled its meeting which had been scheduled for the previous evening.

Robert Passmore, Planner V (Zoning), stated that the staff of the Department of City Planning is completing its review of existing non-conforming uses; and a draft of an amendment to the City Planning Code which would allow some of the non-conforming uses to continue beyond their present expiration dates has been prepared. Based on the non-conforming use field survey conducted in 1972, the draft amendment would permit approximately 120 non-conforming uses to continue if conditional use authorization is obtained from the Commission; and approximately 1280 non-conforming uses would be allowed to continue subject to special restrictions. Some non-conforming uses would still have to be discontinued even if the proposed amendment to the City Planning Code were adopted. Most of the non-conforming uses which would be permitted to continue are neighborhood-oriented in nature.

The Director recommended that the Commission's Regular Meeting scheduled for August 25 be cancelled. It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the Regular Meeting of August 25, 1977, be cancelled.

Robert Feldman, Planner II, summarized the nature of the zoning cases which are scheduled for hearing before the Commission on September 1.

The Director informed the Commission that the Civil Service staff had cancelled the Planner III examination which was to have been held starting on Tuesday, August 23.

The Director reported that representatives of the Municipal Planners Association and representatives of other employee organizations which represent employees in the Department of City Planning are meeting with representatives of the Mayor's Budget Bureau and the Board of Supervisors' Budget Analyst's Office to discuss the effect of the Mandatory Salary Savings Program on the Department of City Planning.

The Director reported that it was his understanding that the Federal Government had effectively eliminated large cities from its 701 funding program. As a result, some existing positions in the Department of City Planning will not be funded next year.

The Director indicated that Commissioner Rosenblatt, Chairman of the Budget and Personnel Committee of the Commission, had requested that a meeting of his committee be scheduled on September 1 or shortly thereafter. However, because President Lau had been a member of that committee, and because one other member would be out of town during the early part of September, a meeting of the committee was tentatively scheduled for Thursday September 15, at 11:00 a.m. The purpose of the committee meeting will be to discuss the vacant assistant director position in the Department of City Planning.

The Director reported on the public meeting which had been held last Saturday to discuss the proposal to establish a Rehabilitation Assistance Program (RAP) for the Hayes-Valley-Western Addition area. He advised the Commission that most of the individuals who had spoken at the meeting were opposed to having the area designated as a RAP area given the present characteristics of the RAP program. As a result, he indicated that the staff of the Department of City Planning would continue to meet with residents of the neighborhood to see if an alternate program can be formulated which would have some of the same objectives of the RAP program without the detrimental impacts of that program.

The Director informed the Commission that the staff of the Department of City Planning is in the process of doing final editing on the recommendation which will be transmitted to the Chief Administrative Officer relative to the proposal to designate the Tenderloin District as a RAP area.

The Director advised the Commission that the Board of Supervisors' Assistance to Business Committee has scheduled a meeting to be held on Thursday, September 8.

The Director indicated that he had learned that the developers of Embarcadero Center IV had asked the Redevelopment Agency for an extension of the deadline for submitting their proposals.

The Director distributed copies of a summary of the work program highlights for the Plans and Programs Division of the Department for the month ending August 15.

Commissioner Starbuck, Chairman of the Commission's Implementation Committee, stated that his committee had met earlier in the morning to discuss the timetable for action on the staff's Residential Zoning Study recommendations. Representatives of the Mayor's Budget Bureau had been present at the meeting; and the members of the Commission had stressed to them the importance of obtaining approval of a \$24,000 supplemental appropriation for official advertising and mailing of notices so that public hearings on the proposed zoning changes can be held.

Commissioner Starbuck recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The Recreation and Park Department has proposed a \$9,270,000 Water Conservation - Automatic Irrigation Bond Issue which will appear on the November 1977, ballot; and

"WHEREAS, Approval of this bond issue would effect substantial savings in water usage; and

"WHEREAS, This proposal, if approved, will promote more public usage of recreation and park facilities because watering would be done at night; and

"WHEREAS, This proposal will result in improved maintenance of parks, athletic fields, and recreation areas throughout San Francisco; especially neighborhood parks and Golden Gate Park; and

"WHEREAS, This proposal is consistent with the objectives stated in the Improvement Plan for Recreation and Open Space which calls for the highest level maintenance of recreation and open space facilities in San Francisco;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission endorses the \$9,270,000 Water Conservation-Automatic Irrigation Bond Issue of the Recreation and Park Department which will appear on the November, 1977, ballot; and

"BE IT FURTHER RESOLVED, That the City Planning Commission requests that its name and that of each of its members be listed in the Voters Handbook in support of this measure; and

"BE IT FURTHER RESOLVED, That the Commission directs its Secretary to transmit this resolution to the Registrar of Voters."

Commissioner Dearman stated that she would be willing to support the adoption of the resolution providing that a letter is addressed to the Recreation and Park Commission expressing the hope that the automatic irrigation systems will be designed so that they will not operate when it is raining. It was then moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7793.

DR77.52 - SOUTHWEST CORNER OF GROVE AND FRANKLIN STREETS.
CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NO. 7705838 FOR A PROPOSED
OFFICE BUILDING FOR THE SAN FRANCISCO BOARD OF REALTORS.
(CONTINUED FROM MEETING OF AUGUST 11, 1977.)

Robert Passmore, Planner V (Zoning), noted that the Commission, in taking this matter under advisement from the meeting of August 11, had requested the staff of the Department of City Planning to continue meeting with the architects for the project to see if changes could be made in the plans for the building in response to concerns which had been expressed by the Landmarks Preservation Advisory Board. He stated that the architects had submitted a new rendering for the proposed building which involved use of additional windows and a revised treatment of the corner of the building. The revised plans needed further refinement; and they

had not been officially approved by the Board of Realtors. However, the architects had expressed a willingness to continue to meet with the staff of the Department of City Planning to refine the details of the new concept. Under the circumstances, he felt that the response from the architects had been positive enough to warrant release of the building permit application by the Department of City Planning.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that she was impressed with the responsiveness of the architects to the concerns which had been expressed by her Board; and she felt that the revised plan represented a considerable improvement over the plans which had originally been submitted. However, the members of her Board hoped that a letter could be obtained from the Board of Realtors acknowledging their approval of the new concept; and, if such a letter could be obtained, the Landmarks Preservation Advisory Board would be prepared to withdraw its request for discretionary review of the building permit application. She also stated that her Board was particularly concerned that tinted glass not be used for the exterior windows of the building.

Don Gordon, Chairman of the Board of Realtors' Building Committee, offered verbal assurance that his organization would be willing to accept the changes and modifications which had been proposed. He stated that some of the members of the Board had been somewhat critical of the original building plans when they had seen them in January; and he felt that the cost reduction which would result from the revised plans would be well received. However, as details of the revised design are worked out, he hoped that the Commission would allow the building permit application to leave the Department of City Planning for processing through the Department of Public Works.

Francis L. Whisler, one of the architects for the project, stated that he had received sanction from his clients to continue working with the staff of the Department of City Planning and the Landmarks Preservation Advisory Board; and he indicated that he intended to proceed accordingly.

Commissioner Dearman remarked that it seemed to her that the verbal assurances which had been given by representatives of the Board of Realtors should be acceptable to the members of the Landmarks Preservation Advisory Board. Mr. Gordon remarked that the verbal statements could be reflected in the minutes of the Commission's meeting.

Commissioner Starbuck stated that his personal inclination would be to wait until a letter has been received from the Board of Realtors indicating general approval of the revised concept before releasing the building permit application. He observed that it should not take much time for the letter to be prepared; and, as a result, no significant delays should result.

Commissioner Bierman stated that she, also, felt that it would be desirable to receive such a letter from the Board of Realtors before releasing the building permit application.

Mr. Gordon agreed to have such a letter prepared.

Mrs. Platt requested that the letter also specify that tinted glass would not be used for exterior windows in the building or that any tinted glass which might be used would be only very lightly tinted. When the letter is received, she indicated that the Landmarks Preservation Advisory Board would withdraw its request for discretionary review of the building permit application.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the staff of the Department of City Planning be authorized to release the building permit application for the subject project when the letter is received and when the Landmarks Preservation Advisory Board has withdrawn its request for discretionary review. The Commission also requested the staff of the Department of City Planning and the applicant's architects to continue to meet to discuss the revised plans.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO ASK THE BOARD OF SUPERVISORS FOR AUTHORIZATION TO ENTER A WORK-STUDY PROGRAM CONTRACT WITH THE UNIVERSITY OF CALIFORNIA AT BERKELEY FOR THE PART-TIME EMPLOYMENT OF A GRADUATE STUDENT IN ARCHITECTURE.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The University of California at Berkeley has obtained a grant from the U.S. Commission of Education to stimulate and promote the part-time employment of students under a Work-Study Program; and

"WHEREAS, The University has proposed to contract with the Department of City Planning for the placement of a graduate student in architecture on a part-time work assignment during the summer of 1977; and

"WHEREAS, This part-time student employee will be assigned to work on the refinement of building dimensions and open space controls to be included in the new residential zoning standards being prepared by the staff of the Department of City Planning; and

"WHEREAS, The terms of the contract with the University would require the Department of City Planning to provide to the University thirty percent of the total compensation to be paid to the student employee, or \$300.00; and

"WHEREAS, The \$300.00 contribution to be made by the Department of City Planning will be provided from a General Program Grant from the National Endowment for the Arts which the Board of Supervisors, by Resolution No. 237-77, has authorized the Director of Planning to accept;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to ask the Board of Supervisors for authorization to enter a Work-Study Program contract with the University of California at Berkeley for the part-time employment of a graduate student in architecture and to commit the City to an expenditure of \$300.00 from a General Program Grant which is to be received from the National Endowment for the Arts."

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7794.

At 3:20 p.m. Acting President Dearman announced a ten minute recess. The Commission reconvened at 3:30 p.m. and proceeded with hearing of the remainder of the agenda.

PRESENTATION OF THE COMMERCE AND INDUSTRY ELEMENT OF THE MASTER PLAN,
A PROPOSAL FOR CITIZEN REVIEW.

George A. Williams, Assistant Director-Plans and Programs, Dick Swanson, Staff Assistant IV, Robin Jones, Planner II; David Kim, Staff Assistant II; and Patricia Salinas, Staff Assistant III, presented and summarized a report entitled "Commerce and Industry - Policies and Objectives". They also presented a report entitled "Commerce and Industry - Strategy and Programs". Following the presentations, they responded to questions raised by members of the Commission. Copies of the reports are available in the files of the Department of City Planning.

Mr. Williams stated that both of the reports would be distributed to community organizations; and members of the staff of the Department of City Planning would be prepared to meet with those organizations to discuss the reports. He expected that an evening meeting of the Commission would be scheduled in mid-October to receive public testimony concerning the reports; and, after the staff has had an opportunity to respond to public testimony, it would recommend to the Commission that a revised report on policies and objections be adopted as an element of the Master Plan.

Dorothy Cox, a staff member of the Mayor's Office of Neighborhood Economic Development, stated that individuals from her office has assisted in the preparation of the reports; however, they were not totally in agreement with some of the recommendations which had been made.

STATUS REPORT ON REGIONAL PLANNING

Rai Y. Okamoto, Director of Planning, reported orally on the liaison function being performed by the staff of the Department of City Planning relative to regional planning activities, indicating that the efforts of the staff in this area are being coordinated through the Mayor's office. Agencies which the staff of the Department has been dealing with include the Association of Bay Area Governments (ABAG), The Metropolitan Transit Commission, The Golden Gate Bridge and Highway District, The Trans-Bay Terminal, Samtrans, BART, The Golden Gate National Recreation Area, The California Coastal Commission, and the Bay Conservation and Development Commission. He indicated that he is serving as the City's representative to the ABAG Regional Planning Committee at the request of Mayor Moscone. Following his report, he responded to questions raised by members of the Commission.

CONSIDERATION OF A DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO APPLY FOR, RECEIVE AND EXPEND FUNDS NOT TO EXCEED \$5000 TO PRODUCE A WORK PROGRAM FOR THE LOCAL COASTAL PROGRAM AS THE FIRST PHASE IN COMPLYING WITH PROVISIONS SET FORTH BY THE CALIFORNIA COASTAL ACT OF 1976.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The California Coastal Act of 1976, enacted by the California Legislature, sets forth certain specific responsibilities to be carried out by local jurisdictions in the formulation of their Local Coastal Programs; and

"WHEREAS, Sections 305 and 306 of the Federal Coastal Zone Management Act of 1972 provide Federal funding assistance for states carrying out coastal zone management programs; and

"WHEREAS, Section 2231 of the Revenue and Taxation Code (SB90) directs the State to reimburse each local agency for the full cost of any program mandated by State laws enacted after January 1, 1973; and

"WHEREAS, The first phase in the preparation of the Local Coastal Program is to identify the coastal issues and to design a total work program that addresses those issues; such phase to precede the second and more comprehensive phase of the actual preparation of the Local Coastal Program; and

"WHEREAS, Work on the first phase should proceed in a timely and judicious manner and will be used as a basis for the second phase,

"THEREFORE BE IT HEREBY RESOLVED, That the Director of City Planning be authorized to apply for, receive and expend certain Federal and/or State funds in an amount not to exceed \$5000 in order to carry out the first phase of the Local Coastal Program; and

"BE IT FURTHER RESOLVED, That the Mayor and the Board of Supervisors are respectfully requested to approve and facilitate the processing of an application for these funds."

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7795.

REPORT ON THE STATUS OF INSTITUTIONAL MASTER PLAN SUBMISSIONS.

Wayne Rieke, Planner IV (Zoning), stated that approximately 120 institutions were on the original list of institutions notified of the adoption of the institutional master plan ordinance. Most of these institutions were notified by telephone again in April of this year with a copy of the ordinance and the guidelines transmitted as a follow up.

A listing of the 23 hospitals covered by the ordinance was passed out to the commissioners. That list indicated whether a master plan had been received and the date of the last hearing for each of the hospitals. Mr. Rieke commented on the status of master plans of some of the hospitals for which master plans have not yet been received. He then listed schools which have responded with institutional master plans or which are expected to respond soon and commented on the status of each.

In addition to setting up hearings on master plans submitted, the master plans have been transmitted to the West Bay Health Systems Agency as required by the ordinance. However, in a letter dated August 4, 1977, Joan M. Ripple, Acting Executive Director of that Agency, stated that the West Bay Health Systems Agency is still in its organizational stages and that the agency is not prepared to undertake the responsibility for master plan reviews; but, barring unforeseen difficulties, they expect to be able to begin reviewing these plans by December 1, 1977.

A lending library of institutional master plans has been set up in the Department so that these documents are available to the public as required by the ordinance. So far, most of the people borrowing master plans are representatives of hospitals who want to know what plans are being made by other hospitals.

There is much work yet to be done in the continuing responsibility for reviewing institutional master plans. One of the most important parts of the work is to obtain required master plans from institutions which have not yet submitted them. The two-year reports are due from some hospitals whose last master plan hearing was in 1975, before the adoption of the institutional master plan ordinance.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio,
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 1, 1977.

The City Planning Commission met pursuant to notice on Thursday, September 1, 1977, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Susan J. Bierman, George Carey, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; Marie Zeller, Planner III; Gary Lee, Planner II; Xandra Malandra, Planner II; David Lynch, Planner I; Carol Sugarman, Planner I; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that members of the staff of the Department of City Planning will participate in a meeting of the Assistance to Business Committee to be held next Thursday, September 8.

The Director advised the Commission of a special meeting to be held jointly with the Recreation and Park Commission on Thursday, September 15, at 12:30 p.m. in the Auditorium of the Hall of Flowers in Golden Gate Park. The purpose of the meeting will be to review alternative proposals for the reconstruction of the Upper Great Highway.

The Director announced that the Open Space Acquisition and Park Renovation Fund Citizens Advisory Committee has scheduled three public hearings, all to be held in Room 2B of City Hall at 7:30 p.m. on the following dates:

- A. Thursday, September 15 - to consider proposals for renovation of existing facilities.
- B. Tuesday, September 20 - to consider proposals for acquisition and development of parcels of property in high need areas.
- C. Tuesday, September 27 - to consider proposals for acquisition and development of sites along the waterfront, on hilltops, etc.

The Director advised the Commission that the staff of the Department of City Planning had met with the Design Review Committee of the Bay Conservation and Development Commission (BCDC) and had agreed to assume primary responsibility for review of final plans for the North Point Park Marina project.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

The Director reported that members of the staff had met with developers of low-income housing and housing for the elderly to discuss the relationship of the proposed residential zoning standards to such projects.

The Director distributed copies of the materials which he had transmitted to the Chief Administrative Officer giving his recommendations relative to the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area. He indicated that he had made a determination that an Environmental Impact Report would not be necessary for the proposed project. That determination had been advertised in the official advertising newspaper and is subject to a ten-day appeal period.

At this point in the proceedings, Commissioner Starbuck arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Starbuck complimented Roland Haney of the staff of the Department of City Planning on his contribution to the Zoning Administrator's written decision on a variance application for the Northeast Medical Services (NEMS) office building conversion at 1520 Stockton Street (VZ77.62).

Commissioner Starbuck advised other members of the Commission that he intended to send a letter to the Bank of America to request that organization to consider installing ramps for the handicapped in the sidewalks surrounding its headquarters building.

Commissioner Elliott introduced Tom Sowerby who serves as the counterpart of San Francisco's Controller in the London borough of Bromley. Mr. Sowerby is visiting San Francisco and was present in audience observing the Commission meeting.

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the minutes of the meetings of June 9, and 23 and July 38, 1977, be approved as submitted.

DR77.49 (CU) - 3211 ARMY STREET, SOUTH LINE, 100 FEET WEST OF FOLSOM STREET.
DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR THE CONSTRUCTION OF A CHURCH WITH 50 OFF-STREET PARKING SPACES ON THE SITE OF A CHURCH DESTROYED BY FIRE; IN AN R-3 AND PROPOSED I (INSTITUTIONAL) USE DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT (EE77.214)

Because the City Attorney had advised that a public hearing would not be required on this matter which involved the replacement of a church structure which had been destroyed by fire, the matter was deleted from the Commission's calendar.

CU77.42 - 905 CALIFORNIA STREET, SOUTHWEST CORNER OF POWELL STREET.
REQUEST FOR MODIFICATION OF CONDITIONS PREVIOUSLY ESTABLISHED BY THE CITY PLANNING COMMISSION IN APPROVING AN APPLICATION FOR THE STANFORD COURT HOTEL TO PERMIT THE ENCLOSURE OF THE TERRACE ALONG POWELL STREET FOR LOUNGE, RESTAURANT, AND WINE STORAGE SPACE; IN AN R-5 AND PROPOSED RM-4 DISTRICT AND IN THE NOB HILL SPECIAL USE DISTRICT (EE77.221).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Stanford Court Hotel wished to expand its restaurant and main lounge areas at the main and lower floor levels into a presently open terrace area along Powell Street. The terrace has an area of 4,125 square feet of which 2,200 square feet, or 53%, would be enclosed for the new restaurant and lounge expansion. The restaurant would be increased by 980 square feet to provide additional seating for 56 persons. The main lounge would be expanded by 790 square feet. In addition, a new wine cellar with an area of 430 square feet would be constructed. Mr. Steele indicated that the Commission had approved a conditional use application for the hotel in 1968 and had modified that authorization in 1969. In both cases, a condition had been established requiring that any construction be in conformance with plans which had been filed with those applications. Since the expansion project presently being proposed had not been reflected on the earlier plans, the Commission was being requested to modify the conditions previously established to allow the proposed project to proceed. In conclusion, Mr. Steele stated that the architects for the project had noted on the drawings that the existing landmark retaining wall would remain unaltered and that landscaping on the terrace level would be refurbished after the new facilities have been constructed.

James A. Nassikas, President of the Stanford Court Hotel, advised the Commission that foundations for the proposed additions had been constructed when the Stanford Court was converted from an apartment building into a hotel in the late 1960's; however, because of the status of the economy at that time, and because of the number of new hotel rooms then being built in the city, construction of the building additions had been postponed. However, the hotel has now recognized a need for additional restaurant space for its guests; and it hoped to proceed with the project. He stated that the new structures had been designed to resemble the conservatories of the old mansions which had existed on Nob Hill; and he believed that the new structures would improve the aesthetic quality of the area. He also indicated that the hotel had acquired a Bufano statue which would be installed at the corner of Powell and Pine Streets. He stated that the proposed construction would not interfere with anyone's view. In conclusion, he noted that the hotel's architect was present to answer any questions which might be raised by members of the Commission regarding the design of the proposed facilities.

No one was present in the audience to speak in opposition to this application.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7796 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU77.45 - 1850 OCEAN AVENUE, NORTH LINE, OPPOSITE THE INTERSECTION OF JULES AVENUE (FORMER HOMEWOOD TERRACE SITE). REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION FOR A PROJECT CONSISTING OF 76 25-FOOT WIDE LOTS AND APPROXIMATELY 20 ONE-FAMILY HOUSES, 40 TWO-FAMILY HOUSES, AND EIGHT SIX-UNIT APARTMENT BUILDINGS WITH LANDSCAPED COMMON AREAS AND 168 OFF-STREET AND 110 ON-STREET PARKING SPACES; IN R-2 (PROPOSED RH-2) AND C-2 USE DISTRICTS AND IN A 40-X HEIGHT AND BULK DISTRICT (EE77.222).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of approximately 7.5 acres or 326,000 square feet of lot area with driveways fronting on Ocean Avenue. He indicated that the applicant was requesting planned unit

development authorization for a project which would consist of 148 units. The lots for the proposed project would have 45% usable open space, would have widths of 25 feet, and would range in size from 1,800 square feet to 2,500 square feet of lot area. He stated that the Commission may authorize a planned unit development for a site of more than three acres; and, when such authorization is granted, the proposed development must be designed to produce an environment of stable character and must provide open space and permanently reserved parking adequate for the occupancy proposed, or at least equivalent to those standards required by the City Planning Code. In the present case, planned unit development authorization would be necessary in order to allow multi-unit buildings on the site and to allow lots of less than 2,500 square feet of lot area. He indicated that the Commission would also be reviewing the subdivision map for the proposed project when it is submitted.

Several members of the audience asked for factual information regarding the proposed project. Mr. Steele and Mr. Hayman, the applicant, responded to the questions.

Howard Pearson, a Director of the Westwood Park Homeowners Association, stated that residents of the neighborhood had learned of the proposed project only recently; and, while they were anxious to have the property developed, they wished to have an opportunity to satisfy themselves about certain aspects of the applicant's proposal.

Mr. Hayman advised the Commission that he had purchased a portion of the commercially zoned part of the property fronting on Ocean Avenue so that a street could be installed directly opposite Jules Street for access and egress to and from the proposed project. No other streets would be used to provide access to the project; and, as a result, the project would not place a traffic burden on the Westwood Park neighborhood. Although the property is zoned for development with duplexes, he had felt that single-family homes should be erected adjacent to existing single-family homes; and, consequently, he had proposed a mixture of single-family houses, two-family houses, and apartment buildings on the lots adjacent to the commercially zoned portion of the site. He then reviewed a site plan of the proposed project which was posted on the wall of the meeting room.

Commissioner Bierman, noting that it was obvious that residents of the neighborhood had many questions about the proposed project, suggested that the Commission should continue this hearing for at least 30 days.

Oscar Fisher, Zoning Chairman of the West of Twin Peaks Central Council, stated that he had not recieved any notification about the proposed project until the previous day; and, in order to provide time for the organizations belonging to his Council to advise their own members of the proposal, he hoped that the Commission would continue the hearing for 60 to 90 days.

Mr. Hayman stated that a 60 or 90 day continuance would create a hardship for the developers. He stated that he had been working on the project for more than six months; and he indicated that notices of the present hearing had been mailed by the Department of City Planning 45 days ago. Under the circumstances, he hoped that the Commission would act on the proposal within a reasonable period of time.

Commissioner Bierman moved that the hearing be continued until the Commission's meeting on October 13. The motion was seconded by Commissioner Starbuck.

When the question was called, the Commission voted unanimously to continue this public hearing until the Commission's meeting on October 13, 1977.

CU77.45 - 400 WEST PORTAL AVENUE, NORTHWEST CORNER OF ST. FRANCIS BOULEVARD.

REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION FOR A PROJECT CONSISTING OF 84 CONDOMINIUM UNITS IN THREE THREE-STORY BUILDINGS WITH ENCLOSED PARKING FOR 135 AUTOMOBILES, A ONE-STORY RECREATION BUILDING, A TENNIS COURT, AND LANDSCAPING; IN R-2 (PROPOSED RH-2) AND I (INSTITUTIONAL) USE DISTRICTS AND A 40-X HEIGHT AND BULK DISTRICT (EE77.180).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is located on the east side of 19th Avenue approximately 280 feet north of Sloat Boulevard. The site is a four and one-half acre portion of a larger lot owned by an organization affiliated with the Christian Science Church. The site is irregularly shaped with 320 feet of frontage on 19th Avenue and an average depth of 535 feet. It contains approximately 170,000 square feet of lot area. The site presently contains a garden and a green house for the adjacent Christian Science residence and Care Facility. Portions of the site are heavily wooded with eucalyptus trees. A row of mature Monterey pines grows along the 19th Avenue frontage of the property. The applicant proposed to construct a total of 84 condominium units consisting of thirty two-bedroom units, thirty-six two-bedroom plus ten units, and eighteen three-bedroom units, resulting in an overall density of one

dwelling unit for each 2,025 square feet of site area. The units would be constructed in three buildings, each having three floors of residential use over one level of parking. A total of 135 parking spaces would be provided on the site. A recreation building, a tennis court, and a landscaped plaza for use by the residents were also being proposed. Seventy-five percent of the site would be landscaped as open space. The buildings had been arranged on the site in an attempt to preserve as many trees as possible, with particular care being given to the row of Monterey pines growing along 19th Avenue. The proposed project would consist of market-rate housing; and the proposed sales prices for the units would range from \$80,000 to \$125,000. Planned unit development authorization would be required from the Commission to arrange the building on the site to provide common open space and recreation area in place of rear yards as otherwise required by the City Planning Code and to allow parking in excess of the amount required by the City Planning Code. While the applicant had originally proposed 135 off-street parking spaces, that number had since been reduced to 126 off-street parking spaces.

Oscar Fisher, Zoning Chairman of the West of Twin Peaks Central Council, stated that he had learned of the proposed project only recently; and he urged that the public hearing be postponed so that organizations belonging to his council could discuss the proposed project with their members.

John Craig, owner of property at 100 Sloat Boulevard, stated that he had not known anything about the proposed project until 10 days ago. At that time, he had contacted the applicant; and the applicant had visited his home to discuss the project with residents of the neighborhood. However, they still had many questions regarding the proposed project and the status of the zoning of the subject property. He indicated that he was concerned about the fact that an apartment complex was being proposed in a single-family residential area; and he believed that stipulations restricting future development of the subject property had been established when the property was rezoned from R-1 to R-2. In order to provide more time to study the proposal, he hoped that the Commission would postpone its hearing for no less than sixty days. He also advised the Commission that representatives of the Masonic Temple and the Board of Directors of the St. Francis Homes Association had indicated that they would support a substantial postponement of the Commission's hearing.

It was moved by Commissioner Starbuck and seconded by Commissioner Bierman that the public hearing on this matter be continued until the meeting of November 3, 1977.

Coburn Jones, the applicant, stated that invitations had been sent to all property owners within a 300 foot radius of the subject site on August 18 inviting them to attend a discussion of the proposed project at the Christian Science Home on August 28; and he indicated that that meeting had been well attended. Under the circumstances, he felt that residents of the neighborhood had been properly informed about the proposed project. Therefore, he urged the Commission to proceed with its hearing on the matter as scheduled.

Dr. Janssen, Pastor of the West Portal Lutheran Church which operates a school on property adjacent to the subject site, stated that he had considered expanding the school onto the subject property; however, he had been advised that it would be inadvisable to construct anything on the subject property because of the presence of sub-surface water. Furthermore, he could not understand why anyone would want to construct new housing units within 30 feet of school classrooms. He indicated that he would not be opposed to some sort of development of the site providing that substantial changes could be made in the plans for the proposed project; and he felt that particular attention should be given to the impact which the project would have on traffic congestion in the neighborhood. He expected that at least 60 to 90 days would be required for further study and refinement of the proposal; and he urged the Commission to continue its consideration of the application for a substantial period of time.

When the question was called, the Commission voted unanimously to continue its hearing of this matter until its meeting on November 3, 1977. Commissioner Bierman remarked that San Francisco has a need for new housing; and she hoped that the plans for the proposed project could be modified to satisfy residents of the neighborhood. She encouraged residents of the neighborhood to work closely with the applicant and with the staff of the Department of City Planning during the next 60 days.

At 3:10 p.m. President Rosenblatt announced a ten minute recess. The Commission reconvened at 3:20 p.m. and proceeded with hearing of the remainder of the agenda.

RS77.12 - PUBLIC HEARING ON TENTATIVE MAP FOR AN EIGHT-LOT SUBDIVISION AT THE NORTHEAST CORNER OF GRAND VIEW AVENUE AND CLIPPER STREET.

(POSTPONED FROM CANCELLED MEETING OF AUGUST 25, 1977)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is an irregular parcel with frontages of approximately 290 feet on Clipper Street and 125 feet on Grand View Avenue for a total area of approximately 24,000 square feet. The

property is vacant. The applicant proposed to resubdivide the existing three lots to create eight new lots, of which four would front on Clipper Street and four on Grand View Avenue. The lots would all have a common yard and pedestrian access easement at their rear, which would provide access to a landscaped park proposed to be developed in the Fountain Street right-of-way as part of an earlier phase of the overall Clipper Terrace development. The homeowners association of the future housing development would maintain the park and landscaping, which was the subject of a revocable encroachment permit under referral R75.21.

A representative of the applicant indicated that he had nothing to add to the remarks made by Mr. Steele.

Alfred Twhigg, 4721 - 25th Street, advised the Commission that the applicant had approached him last November asking if he would be willing to sell a twenty-five foot strip of his property which was needed for the proposed project but which would be returned to him in the form of an easement. He had refused to sell the property; yet, the plans which were presently before the Commission were the same as the plans which he had seen at that time. He indicated that he would have no objection to the access easement to the Fountain Street park if the easement were designed to be for pedestrian use only and not to accommodate automobiles.

Edward Burger, architect for the applicant, stated that the access would be designed exclusively for pedestrians; and he indicated that plans for the proposed project had been reviewed and approved by the Friends of Noe Valley. Several suggestions which had been made by that organization had been incorporated into the plans. He stated that the property which he had sought to acquire from Mr. Twhigg, was not essential for the project; however, acquisition of that property would have allowed a little more flexibility in terms of the design of the project.

Mr. Steele recommended that the proposed subdivision be approved as in conformity with the Master Plan subject to seven specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Elliott, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7797 and that the proposed subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by Mr. Steele.

CU77.46 - 1516-18-20 DOLORES STREET, WEST LINE, 76.5 FEET SOUTH OF 28TH STREET.

REQUEST FOR AUTHORIZATION FOR A COMMUNITY RESIDENTIAL PROGRAM FOR 30 ADULTS WITH 24-HOUR SUPERVISION IN AN EXISTING 3-FLAT BUILDING TO BE OPERATED BY CENTRO DE CAMBIO, A COMMUNITY REFERRAL PROGRAM, IN AN R-3 AND PROPOSED RH-2 DISTRICT (EE77.235).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 25 foot frontage on Dolores Street and a total area of 2,500 square feet. The property is developed with an unoccupied three-family building which has three residential levels with seven bedrooms and three bathrooms. No off-street parking is provided on the site. The applicant proposed to convert the existing building to a facility to be known as La Casa de Cambio which would be operated by the Centro de Cambio. That organization would operate a bilingual, six-month, residential drug-free program in the building. The program would handle up to 30 residents at a time. The operation would have six full-time employees, including one who would live on the premises. Supervision would be provided on a 24-hour basis. Residents would be involved in a program for developing educational and vocational skills. Daily activities would include group sessions, seminars, art workshops, and meals. Residents would be encouraged to participate in community issues and projects. Residents would not be permitted to have their own cars. Centro de Cambio has not yet operated a residential facility. However, for the past five years it has conducted a 24-hour crisis center prevention unit at St. Lukes Hospital; and, for the past four years, it has administered, in co-operation with the Unified School District, a drug prevention center. In addition, it has operated an out-patient counseling program and a referral center.

Maria Elena Guillen, Assistant Director of Centro de Cambio, read and submitted the following prepared statement:

"For the past several years Centro de Cambio has been providing information and treatment on prevention of drug abuse and services to the Mission District of San Francisco. This work has come from some very dedicated and talented individuals who were and are sensitive to the needs of their community. This work has also been possible through the strong efforts and support of the community residents.

"The services Centro de Cambio has been providing consist of counseling, referrals to detoxification and drug prevention presentations within the San Francisco school district. We feel we have been effective in these areas, but we found that in order to provide more comprehensive drug treatment

services we had to expand beyond in out-patient program. It is essential that the Mission District have a residential treatment program. These programs have existed in various other parts of the City. Our clients which are predominantly Latino, have not received these services adequately in the past.

"Centro de Cambio has planned and worked toward establishing a residential treatment program in the Mission for the past few years. In 1976 our proposal was regarded as a top priority within the City and County of San Francisco. The State of California, Dept. of Public Health also responded enthusiastically to our proposal. We were, subsequently, awarded a federal grant to open a residential program in our community.

"A selected site for this program is located at 1516 Dolores Street, between 28th and Valley Streets.

"Listed below for your information are some facts about the program we wish to operate at 1516 Dolores Street, La Casa de Cambio:

- *This program will provide vocational and educational training, and other supportive services to the clients in a residential environment.

- *This program will only admit persons who are currently drug-free (detoxed).

- *The program is a total abstinence environment. No drugs of any kind (including alcohol) are allowed in the house or are prescribed to the residents. There will be no methadone.

- *The program will be for those eighteen years and over who wish to work towards a more meaningful lifestyle. A lifestyle that does not include the abuse of drugs.

- *The program will have 24-hour supervision by qualified staff. There exists a very structured daily activity schedule, this schedule includes reasonable curfew hours for the residents.

- *La Casa de Cambio is not a drop-in center. Our program will only be opened to those persons screened previously at Centro de Cambio intake office located at: 3007 - 24th Street.

*The residents will be in this program voluntarily. La Casa de Cambio can not and will not accept any individual with a violent criminal background or those individuals diagnosed with serious mental problems/disorders.

*There will be at least one counselor for each three residents. The counselor's caseload is small to purposely provide residents with the proper supervision and assistance they need.

*All residents will be actively involved in a vocational training and/or educational training program. They will also have available to them recreational and cultural activities.

*La Casa de Cambio will be a bi-lingual and bi-cultural treatment program. It will provide services to those who did not have full access to this treatment modality in the past.

*The program will stress community involvement and will work towards promoting a stronger cultural pride in the residents.

*Staff and residents will be required to clean and maintain the facility and its grounds on a daily basis. La Casa de Cambio will be a home and those persons in this home will demonstrate their pride by maintaining its condition.

*One of our goals is to have our residents become positive role models for the youth in our community."

Ms. Guillen emphasized that residents of the building would not have personal cars; and she indicated that only one staff member uses a personnel car. As a result, the proposed facility would not create any parking problems for the neighborhood.

Commissioner Starbuck asked if the proposed program would be operated in lieu of the crisis center at St. Lukes Hospital. Ms. Guillen replied in the negative, indicating that the two operations are completely separate programs.

Kathleen Kirk, representing the Mission Planning Council, read and submitted the following letter which had been prepared by Luisa Ezquerro, President of the Council:

"With reference to a request for authorization to establish a Community Residential Program at 1516-18-20 Dolores St., it is our position that the City Planning Commission should not authorize such a use until local residents are fully informed of the proposed community program and given an opportunity to examine the potential impact of such facility in their area. Up to this date no meeting with local residents has taken place to inform them on the nature of the program and the proposed uses of the building. Furthermore, the only notification received by the Mission Planning Council has been a calendar notice from your Commission. It seems to us that given the magnitude of the proposed use, adequate community input and participation be provided prior to a decision by your Commission."

Ms. Kirk stated that she had made a brief survey of the neighborhood on the previous day and had talked with eight individuals, none of whom were familiar with the proposed project; and she felt that the Commission should postpone action on subject application until residents of the area have had an opportunity to become familiar with applicant's proposal.

Commissioner Bierman asked if the applicants had met with the residents of the neighborhood to discuss the project. Ms. Guillen replied in the negative but indicated that a couple of nearby residents had visited the facility and had not expressed any objection to the proposed use.

Dan Silva, the Director of Centro de Cambio, confirmed that they had not scheduled a meeting with residents of the neighborhood to discuss the project. However, he remarked that Centro de Cambio has worked with various sections of the Mission Community in the past; and they had contacted several service agencies which had been supportive of the program. He remarked that people sometimes base their opinion of such facilities on false information and misunderstandings; and, in such cases, the results can be quite disruptive. As a result, they had elected not to publicize the nature of the proposed operation.

Ms. Lerma, an employee of the San Francisco Drug Council Co-ordinators' office, stated that the city has used the services of the Centro de Cambio. She advised the Commission that she had made a survey of the need for the type of facility being proposed; and she had found that such facilities are badly needed.

James Pastore, 152 Valley Street, advised the Commission that more than 60 residents of the neighborhood had signed a petition indicating their strenuous objection to the proposed use. He stated that the neighborhood already has a professional medical facility which handles drug addiction problems, alcoholism, and mental cases; and he objected to having the neighborhood infiltrated with other uses of the same sort. He remarked that the neighborhood has several churches and schools; and he felt that the proposed facility should not be located in an area with so many school children.

Commissioner Starbuck remarked that the other medical facility to which Mr. Pastore had referred is a private clinic; and he emphasized that there are major differences between a private clinic and the type of program which was being proposed for the subject site. Mr. Pastore responded that he was opposed to the proposed facility in any case.

George Parson, 1530 Dolores Street, stated that he did not feel that the flats in the subject building are large enough to accommodate more than 10 people. He indicated that his own property has fifty feet of frontage and is equipped with fire escapes; yet, his building can accommodate only 20 people. Furthermore, with 30 residents and staff members, he believed that there would be a constant parade of people in and out of the subject building. Residents of the building would be people who have been drug offenders in the past; and, given their backgrounds, he was not optimistic they would be better citizens in the future. He felt that the proposed facility would be bad for the entire neighborhood; and he urged the Commission to disapprove the application.

Mr. Orler, owner of property at 101-107 28th Street, stated that he recognized the need for the type of facility being proposed; however, he did not feel that the subject building is large enough to accommodate 30 people. He stated that he had surveyed the tenants of his building and had found that seven of them were in favor of the proposal and that two of them were opposed to it.

Neify Toronto, representing the Upper Noe Valley Neighborhood Council, stated that the subject neighborhood already has a drug rehabilitation program; and he indicated that he did not feel that the neighborhood could absorb any additional uses of that sort. Since there are several schools in the neighborhood, the area has many children; and he did not feel that it would be a good idea to expose the children to people who have had a drug problem.

George Ayoub, owner of property at 1524-26 Dolores Street, stated that he was opposed to the proposed use of the subject property. He indicated that he had owned property in the area for the last seventeen years; and, during that time, he had never had any complaints about thefts, fires, or other problems. He hoped that the Commission would disapprove the subject application. However, if the Commission were inclined to look favorably upon the proposal, he hoped that it would provide him with an opportunity to obtain a lawyer to represent his interests.

Ms. Guillen advised the Commission that Centro de Cambio already has contact with school children in the schools where it makes presentations on means of preventing drug addiction; and she felt that it is better for children to know how to prevent drug addiction than to be shielded from reality. She stated that the owner of the subject building is aware of the number of people who will be housed in the building; and he had expressed no objection. Furthermore, the occupancy level had been approved by the State of California and by the San Francisco Fire Department with a stipulation that fire extinguishers be added to the building. She stated that the Centro de Cambio has constructed compact bunk beds to compensate for space problems in the building; and she believed that occupancy of the building by a maximum of thirty persons would be workable.

Commissioner Bierman remarked that it seemed to her that the building would be over-crowded with 30 residents; and she asked if the project was dependent on having 30 residents. Ms. Guillen replied in the negative but indicated that reduction in the number of residents would result in a cut-back in funds and services.

Mr. Silva stated that the subject building is in better condition and has better living space than is provided by any other similar rehabilitation program in San Francisco. Furthermore, most of the center's clients have lived in a lower socio-economic setting; and he believed that they would find the proposed facility very comfortable.

Commissioner Bierman remarked that the Commission is often faced with objections when facilities such as the one presently under consideration are proposed. However, when young people have problems, the community as a whole has a responsibility to help them to overcome their problems. The purpose of the proposed facility would be to help former drug addicts to become well; and anyone wishing to continue to be an addict or to become a burglar would not remain in the program. Many former drug addicts

wishing to be rehabilitated cannot afford professional medical help; and she felt that society owes such people an opportunity for rehabilitation. For those reasons, she was supportive of the applicants' proposal. However, she was concerned about the number of people who would be housed in the building; and she hoped that a compromise could be effected which would result in a lesser number of residents in the building.

Ms. Lerma noted that all the residents would not be in the building at the same time except for sleeping since they will be going to school and becoming involved in other activities after they have been enrolled in the program for two months.

President Rosenblatt stated that he, also, was concerned about the number of residents which were being proposed. If the center has a total of thirty residents, that would mean that the bedrooms would be shared by four or five people and that each of the three bathrooms would be shared by ten people.

Ms. Leon, a staff member of Centro de Cambio, displayed a floor plan of the subject building and explained that the three flats would be used as a single dwelling unit. As a result, the dining rooms in two of the units could be used as bedrooms. She remarked that the rooms in the building are of a fairly large size.

Commissioner Bierman observed that residential care facilities are usually housed in older residential buildings; and, since she felt that the City and County of San Francisco has a responsibility to help people who want to be rehabilitated, she felt that it would be difficult for her, as a Commissioner, to vote for disapproval of the subject application.

A resident of the subject neighborhood stated that he did not feel that the building could accommodate 30 residents; and he questioned what affect such occupancy would have on water rationing. He also indicated that the Centro de Cambio had moved into the building in June; and he felt that they should have obtained authorization from the City for the use before occupying the building.

Commissioner Starbuck stated that the staff of Centro de Cambio has been doing work inside of the building; but they have not started their rehabilitation program. However, he believed that they had housed some of the people who had been evicted from the International Hotel in the building.

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The chairperson of the Health Committee of a Latin-American Community Organization in the Mission District stated that her organization is very supportive of the Centro de Cambio; and she indicated that her organization would provide educational counsel to the patients of the proposed facility. She emphasized that the facility would not be a place for drug addicts but a place where people who have freed themselves of drug addiction can learn to begin to live again.

Mr. Pastori asked what assurances could be given that the Centro de Cambio would not house 40 or more people in the proposed facility. Commissioner Bierman responded that the facility would place its State license in jeopardy if it houses more than the authorized number of people.

Ms. Lerma stated that she, as an employee of the San Francisco Drug Council Coordinator's Office, would be responsible for handling any complaints which neighboring residents may have concerning the proposed facility.

Commissioner Bierman stated that the Commission has made a practice of encouraging individuals who operate rehabilitation centers to meet with residents of the neighborhoods in which they are located to resolve any problems which might develop. In addition, the staff of the Department of City Planning could be contacted if problems persist.

Mr. Steele recommended that the application be disapproved. He noted that the neighborhood in which the subject property is located is characterized by one-family, two-family and small apartment house development and is proposed for reclassification to an RH-2 District in order to preserve its existing character. The proposed residential program would accommodate as many as ten persons in each of the three existing apartments with supervision by a full-time staff which would direct daily activities including group sessions, art workshops, and seminars; and he felt that the impact of those people and the proposed activities on the site would be significantly greater than that which would be generated by a typical 3-unit apartment house.

Commissioner Bierman stated that she would be interested in pursuing the possibility of reducing the number of occupants of the proposed facility to approximately 24 people. While 24 residents would still be a lot of people, she felt that the neighborhood would be better able to cope with that number of people than with 30 residents; and she remarked that Centro de Cambio would have to make an effort to fit into the neighborhood just as the neighborhood would have to make an effort to accept the residential care facility. If the number of residents could be reduced, she

would be prepared to support approval of the application subject to the type of conditions which are generally applied by the Commission in such instances. She then framed her proposal in the form of a motion.

Commissioner Starbuck stated that he could not support Commissioner Bierman's proposal for a facility with 24 residents; however, he seconded her motion for the purposes of discussion.

Commissioner Bierman asked what standards are generally applied in determining how many residents can be housed in a residential care facility. Mr. Steele replied that licensing of residential care facilities is done by the State; and, as a result, the City Planning Code does not have any standards for occupancy levels in such facilities. However, the City Planning Code would limit residential occupancy of each of the flats in the building to five unrelated individuals; and, by that standard, a maximum of fifteen individuals could be housed in the three apartments. If the building were operated as a rooming house, the City Planning Code would limit the number of occupants to approximately 16 individuals. Under the circumstances, he felt that 15 or 16 individuals would be a reasonable number of residents for the building if the building were to be operated as a residential care facility.

Mr. Silva stated that the State had authorized a maximum occupancy of 30 individuals for the building; and he indicated that the facility could be operated at 80% of maximum capacity. If the occupancy of the facility were to be further reduced, funding for the program would be lost. As a result, he remarked that any discussion of reducing the occupancy of the facility to 15 or 16 residents would be academic.

Mr. Silva stated that he would prefer to have the matter taken under advisement so that he would have an opportunity to investigate a possible reduction in the number of residents with the appropriate State agencies.

Rai Y. Okamoto, Director of Planning, stated that he felt that it would be important to provide the applicant with an opportunity to work further with the State; however, given the type of activities contemplated by the proposed facility, he could not recommend occupancy of the building by 30 residents.

At this point, Commissioners Bierman and Starbuck withdrew their motion and second. It was then moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously, that this matter be continued until the Commissions meeting on September 22, 1977.

ZM77.11 - BROTHERHOOD WAY, SOUTH LINE, 541 FEET WEST OF THOMAS MORE WAY AND 432 FEET EAST OF LAKE MERCED BOULEVARD. R-1-D TO AN R-4 DISTRICT (EE77.227).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consist of three separate lots in Assessor's Block 7380. Lot 32 has an area of approximately 46,625 square feet, is vacant, and has a gravel surface. Lot 23 is occupied by the Jewish Community Center. Lot 33 is occupied by the Lake Merced Church of Christ. The applicant proposed to change the zoning of the three subject lots from R-1-D to R-4 in connection with the proposed development of Lot 32 with an elderly housing facility having 100 sleeping rooms and a common dining room. No medical facilities would be provided for the residents. Off-street parking for 28 automobiles would be provided. A forty-foot high building would be constructed in two sections with a landscaped courtyard between the sections. Individual cooking facilities might be included in some of the rooms. Lot 32 is located between the existing Jewish Community Center and the Lake Merced Church of Christ. Mr. Steele stated that the subject property is part of the area deeded to the 17th Street Church of Christ by the City in 1957 subject to stipulations including the sixty-foot set back along Brotherhood Way, a 40% maximum coverage of the entire 4.178 acre parcel, and the reservation of subterranean waters by the city. A forty-foot wide road easement along the east boundary of the subject property occupies a twenty-foot wide strip within the property. The subdivision of the subject property was authorized by the City Planning Commission Resolution No. 6800 which was passed on January 13, 1972. In 1975 the Commission had approved a conditional use application granting authorization for construction of a graduate school of psychology on Lot 32; however, the school was never built.

William Cullen, architect for the applicants, presented a photographic slide show to depict the subject property and the nature of the development which was being proposed by his clients. He emphasized that the site has amenities conducive to residential use such as its proximity to Lake Merced, to golf courses, to San Francisco State University, and to Park Merced, a residential

complex where many of the prospective residents of the new facility would have lived in the past. He also noted that the site is conveniently located in terms of its proximity to services provided by churches, the Muni Railway, BART, the Stonestown shopping center, the Payless Store, and the Westlake shopping center. The most appealing aspect of the site in terms of its suitability for elderly housing is that it is distinctly not located in the downtown area. He stated that the proposed project had been discussed with a member of the Commission on Aging; and that individual had felt that the site would be appropriate for the use proposed. He felt that the proposed residential use would be compatible with the existing institutions on Brotherhood Way since those institutions belong in a residential area. While he was aware that the staff of the Department of City Planning had mixed feelings about introducing residential uses onto Brotherhood Way, he noted that a great deal has happened in the twenty years since Brotherhood Way was designated for institutional use. One of the most important changes has been the diminishing supply of quality housing sites in the city. He emphasized that the staff of the Department of City Planning had issued a negative declaration for the proposed project; and that negative declaration had not been appealed. He remarked that San Francisco has a short supply of housing for the elderly; and, while subjective arguments could be made for continuing to preserve Brotherhood Way for institutional uses, he believed that objective arguments could be made in favor of using the subject property for housing for the elderly. He urged that the application for rezoning of the property be approved.

During the course of Mr. Cullen's presentation, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Commissioner Starbuck inquired about the size of the sleeping rooms in the proposed project. Mr. Cullen replied that the sleeping rooms would have dimensions of approximately 20 feet by 12 feet.

Mrs. Breder, one of the applicants, advised the Commission that she and her husband had had a great deal of experience in operating homes for the elderly; and she indicated that most people who spend their lives living and working in a city prefer to continue living in the city when they grow older.

President Rosenblatt inquired about the projected rental rates for the proposed project. Mrs. Breder replied that the rate currently being charged at her other facilities is \$500 a month. That rate covers all of the needs of a resident. She expected that the rates in the proposed facility would be compatible.

Commissioner Starbuck asked how many of the sleeping rooms would have cooking facilities. Mrs. Breder replied that they hoped to install Pullman kitchen facilities in all of the sleeping rooms; however, she had learned through experience that elderly people do not like to do their own cooking.

Dr. Steven Dobbs, President of a small private school which presently owns the subject Lot 32, stated that his school had intended to construct a facility on the property; however, they had decided to build on other property in the area. He indicated that he was impressed by the high quality of the facilities operated by Mr. and Mrs. Breder; and he felt that the proposed facility would be an asset for the neighborhood and that it would be compatible with its neighbors. He felt that the original concept of developing institutional uses on Brotherhood Way had been a good idea twenty years ago when more land was available in the city. However, the land has been available for institutional use for twenty years; and, during the past few years, no development of consequence has occurred. Under the circumstances, he felt that other priorities should be established for use of properties on Brotherhood Way; and he believed that housing for the elderly should merit the Commission's consideration as an alternate use.

Cecelia Fitz stated that she had visited a number of homes for the elderly before becoming acquainted with the facilities which are operated by Mr. and Mrs. Breder; and she advised the Commission that she was very pleased with their "up-beat" program.

Abe Papkoff, Housing Representative of the Commission on Aging, stated that he had been aware of the applicants' proposed project for only a few days; however, he indicated that he is quite familiar with the subject site. He believed that the city has a rare opportunity to create a lifestyle for the elderly on the subject property; and he emphasized that it is the official policy of the city to seek opportunities and to encourage development of housing for the elderly.

Soterios Chalios, representing the Holy Trinity Greek Orthodox Church, noted that he had addressed a letter to the staff of the Department of City Planning expressing opposition to the proposed reclassification. A number of years ago, the City had decided that properties on Brotherhood Way should be reserved for use by churches or philanthropic organizations and not for private enterprise; and he felt that the City should continue to stand by its original position.

Krikor Krouzian, Chairman of the Building Committee of the St. Gregory Armenian Apostolic Church, stated that the Board of Trustees of his church had decided to oppose the proposed rezoning for the home for the elderly. He advised the Commission that his church had purchased the lot adjacent to the subject property with the understanding that other properties in the area would be reserved for institutional use; and he indicated that his church is in the process of developing plans for construction of a church and an elementary school on their property.

Charles E. Gillen, representing the Lake Merced Church of Christ, submitted and summarized a letter which had been prepared for his church by Charles Cline Moore, an attorney at law. The letter read as follows:

"On behalf of my client, Lake Merced Church of Christ, we would respectfully like to register our strong opposition to the proposed change of use (zoning) classification of the above properties from R-1-D to R-4, which application is being made on behalf of Mr. and Mrs. Fred Breder. The Lake Merced Church of Christ is the owner of Lot 33, which the Breders include in their application, and is the former owner of Lot 32, which is immediately to the southeast of Lot 33. The Lake Merced Church of Christ sold Lot 32 to Brandeis-Hillel Day School approximately a year ago. At that time the purchaser indicated that the reason for the purchase was to expand the school. We are now faced, a year later, with a proposed development that, according to the Environmental Evaluation by Staff, will disrupt or divide the physical arrangement of an established community, and would change the character of the street.

"It is our understanding from a communication received by the Church from the Brotherhood Way Jewish Community Center, the Center (the owner of lot23) takes no position with regard to the purchase of Lot 32 by Mr. and Mrs. Breder, but vigorously protests the request to rezone the Center's property without its knowledge and without its consent. Consequently, two of the three property owners involved oppose such rezoning. We submit that the request should be denied on this basis alone. The Lake Merced Church of Christ and the Jewish Community Center have no desire to alter the fundamental character of Brotherhood Way.

"In stressing our opposition, we would emphasize that we applaud the type of development that is proposed, that is to say, a home for elderly citizens in the nature of a boarding house. Our opposition is simply based on the fact that this is the wrong place for such a development.

"The development, and the naming of Brotherhood Way, began in 1958 when a group led by Municipal Court Judge Charles Becker of South San Francisco convinced San Francisco's Board of Supervisors that unused land along the route - then known as Stanley Drive - should be sold to religious groups at nominal cost. Brotherhood Way is presently a community of benevolent groups including the Holy Trinity Greek Orthodox Church, the Richmond Masonic Lodge, the St. Gregory Armenian Apostolic Church, the Lake Merced Church of Christ, the Brotherhood Way Jewish Community Center, Temple Judea and St. Thomas More Catholic Church. The preservation of the character of all of Brotherhood Way is desirable not only for the reason that this was the intent of the City Fathers in its inception, which has been carried through to this day, but also it is desirable for preservation of the property values of the churches and institutions presently existing there. We note that the proposed Institutional District zoning for the subject property, as set forth in the May 20, 1976 Proposed Residential Zoning Districts by the City Planning Staff to the City Planning Commission, limits development to 'medical, religious or educational institutions.' Even under this apparently broader zoning than that permitted under the present R-1-D zoning, the proposed facility would not be permitted, for the developer proposes that there would be no medical facilities in the project, and the project certainly does not qualify as an educational or religious institution.

"We believe that the type of spot rezoning sought by the developers of this project should be rejected by this Commission. The Commission, we submit, should first determine what the City's overall plans for Brotherhood Way should be, and then determine whether the development fits within these plans. If the City's plans for this are as we believe them to be, then the proposed project should be denied.

"Adjacent to the proposed development, on three sides, is either open space or property zoned R-1-D. The bulk of the land use in the southwest quarter of San Francisco is single family detached dwellings. We believe that this character should remain, particularly in view of the isolated nature of the surroundings. We note that the only public transportation is a bus to Stonestown with a 40 minute wait. None of the residents will be able to walk to commercial services. Either the residents will have to have their own vehicular transportation or else they will have to take taxicabs, not only increasing the traffic to the area but causing parking problems for the adjacent institutions.

"We note from the negative declaration of environmental impact that the Staff considers that there will not be any traffic problems because of the size of Brotherhood Way. We respectfully disagree with this conclusion. We particularly urge the Commission to deny the parking space variance requested. If the required number of parking spaces is not mandated, we will simply find that the residents and their guests will be using the Church's parking spaces. One would presume that most residents will receive the bulk of their guests and visitors on Sundays, the day of worship when Brotherhood Way is most crowded. We do believe that there will be a maximum flow of traffic into the religious houses of worship on Sundays, and problems of ingress and egress will arise as the result of this proposed development. We particularly believe that the planned parking spaces for this development will prove inadequate and will result in a persistent overflow of parking on the Church's property.

"The proposed development on Lot 32, moreover, will substantially impair the Lake Merced Church of Christ's ability to further expand its facilities on Lot 33. Lot 33 and lot 32 are both part of an area deeded to the Church by the City in 1957 subject to stipulations which include a 60 foot setback along Brotherhood Way and a 40% maximum coverage of the entire 4.1782 acre parcel which includes both Lots 32 and 33. From a review of the proposed project, it would appear that substantially more than 40% coverage is proposed. Furthermore, the lot size is 46,625 square feet with a total square footage of the building of 53,344 (Environmental Evaluation Form, Department of City Planning, dated August 9, 1977, page 1, paragraph II(A) (2).) It is obvious that approval of this proposal will seriously impinge on the Church's possibilities for further expansion.

"For each and all of the foregoing reasons, we respectfully oppose the proposed change of use and request that it be denied."

Claude Stovel, General Manager of Park Merced, stated that he had no objection to construction of a home for the elderly on the subject property; however, he urged the Commission to approve the requested rezoning only for the property which would be used for that facility and not for the other properties which had been included in the subject application.

Commissioner Starbuck inquired about the traffic situation on Brotherhood Way on Sundays. Mr. Stovel replied that Sunday traffic is fairly heavy on the street.

Commissioner Starbuck then asked about the parking situation in the area. Mrs. Breder stated that forty automobiles could be accommodated on Lot 32. She advised the Commission that many of the residents of the proposed facility would not own automobiles; and she stated that many of her employees do not own automobiles. During her ten years experience operating homes for the elderly, she had never experienced any parking problems. She conceded, however, that visitor parking is heaviest on weekends when people tend to visit residents of homes for the elderly.

William J. Owen, representing Congregation Beth Israel-Judea, remarked that he had addressed a letter to the Commission under date of August 19 expressing the objection of his congregation to the proposed change of zoning. While the applicants had indicated that their proposed facility would be compatible with other buildings in the area, he pointed out that his congregation's temple is only two stories in height whereas the applicant's building would be four floors in height. Since the Jewish Community Center and the Church of Christ did not wish to have their property rezoned, approval of a reclassification for Lot 32 by itself would clearly constitute "spot zoning"; and he remarked that "spot zoning" is not consistent with good planning policy. He estimated that approximately 800 people would be visiting his temple on September 13, which is a Jewish holy day; and he noted that other churches experience large turnouts on days when their own holy days are observed. Yet, all of the properties on the south side of Brotherhood Way rely on a single narrow road for access. As a result, traffic congestion can be a problem in the area. He expected that the applicants were interested in the subject property because the "price was right"; but he did not regard that as a proper reason for changing the zoning of the property.

Mr. Cullen stated that it was his opinion that the only valid objections which had been raised to the proposed project were related to the issue of parking; however, he emphasized that many of Mrs. Breder's patients and employees do not use automobiles; and he observed that the elderly people residing in the project would be able to walk to one of the churches in the area on religious holidays. If the Armenian Apostolic Church should proceed to develop its property, the subject lot would be the only remaining undeveloped site in the area; and he did not believe that a single residential project would have a detrimental effect on the area.

Rai Y. Okamoto, Director of Planning, advised the Commission that he was not prepared to make a recommendation on the subject application at the present time. He indicated that he personally felt that mixed use of the properties along Brotherhood Way might be more appropriate than strictly institutional usage under contemporary circumstances; however, he felt that further studies should be made of the implications of such a change relative to the equities involved vis-a-vis the groups which have already constructed facilities in the area

with reliance on the city's original commitment that the properties would be reserved for institutional use. Also, he noted that the Coastal Zone Commission has an interest in preserving the feeling of open space in the vicinity of Lake Merced; and he remarked that institutional uses might be more compatible with that objective. In conclusion, he stated that he had no personal objection to the quality of the project being proposed by the applicants.

President Rosenblatt asked what the probable zoning of the subject property would be in the future if the subject application were not pending and if the proposal for an institutional district were not implemented. Mr. Steele replied that the property would probably have been zoned RH-1-D under such circumstances.

Commissioner Bierman inquired about the zoning of property to the southwest of the subject site where a new residential complex was recently constructed. Mr. Steele replied that that property is zoned R-1.

Commissioner Bierman then remarked that residents of residential neighborhoods in San Francisco might regard the proposed facility as an institutional use rather than as a residential use if it were to be located in their neighborhood; and she indicated that she had been prepared to vote for approval of the subject application. However, she was concerned about the fact that adjacent parcels of property had been included in the application without the authorization of their owners.

Mr. A. H. Foster of Foster Engineering, a representative of the applicants, stated that he had been responsible for including the other properties in the application; and he apologized for taking that action.

The Director recommended that this matter be continued until the Commission's meeting on November 3.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that this matter be continued until the meeting of November 3, 1977.

Commissioner Starbuck asked the staff of the Department of City Planning to obtain information about the percentage of open space on adjacent properties and the percentage of open space which would remain on the subject lot after it has been developed, for presentation at the Commission's next meeting.

President Rosenblatt remarked that members of the Commission were very sympathetic with the need for housing for the elderly; however, they were also concerned about the technical aspects of the proposed rezoning.

DR77.48 (CU) - 2513 FILLMORE STREET, NORTHWEST CORNER OF JACKSON STREET.

DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION TO REPLACE AN EXISTING CHURCH BUILDING WITH A NEW MULTI-PURPOSE EDUCATIONAL BUILDING WITH 18,690 SQUARE FEET OF FLOOR AREA AND A HEIGHT OF 38 FEET; IN AN R-3 AND PROPOSED RH-2 USE AND A 40-X HEIGHT AND BULK DISTRICT. (EE77.224)

A. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is owned by the Calvary Presbyterian Church. The total size of the church site is 33,498 square feet. A church structure is located on the northwest corner of Fillmore and Jackson Streets. Adjacent to the church, on Fillmore Street, is an existing educational building with a height of 50 feet, a floor area of 20,000 square feet and a 26 foot side yard. The church proposed to replace the existing educational building with a multi-purpose education building with a height of 38 feet and a total floor area of 18,690 square feet on three levels. An outdoor play area would be located on the roof of the new building. As designed, the building would provide a five foot side yard on the north side of the property and an eighteen foot rear yard. Under the proposed residential zoning maps and standard initiated on May 20, 1976, by the City Planning Commission, a church and its accessory uses are conditional uses in residential districts. However, until formal enactment of those provisions, the Commission is taking such matters under discretionary review with notice being given as in conditional use cases. He stated that the church had also filed an application for a variance from the rear yard, open area and lot coverage standards of the City Planning Code. A hearing had been held on that application by the Zoning Administrator on August 17, 1977; however, no decision had yet been rendered.

David Robinson, architect for the applicant, stated that the existing educational building was constructed in 1904. It no longer conforms to city codes; and it is not an economically efficient building. Therefore, he had been commissioned to design a new building which would house programs similar to those housed in the existing building. He acknowledged that there is a saturation of on-street parking spaces in the subject neighborhood. However, that situation

exists every day of the week; and, as a result, he did not feel that Calvary Presbyterian Church was responsible for the situation. Nevertheless, he had investigated the possibility of constructing an underground parking garage on the church property to help solve the problem. He had found that only 14 spaces could be constructed; and he did not believe that they would significantly help the parking problem in the area. Furthermore, he had determined that it would not be economically feasible for the church to construct the underground parking facility. In the meantime, the church had taken other steps to try to help solve the parking problem and had made arrangements for members of the church to use the parking garage at the Pacific Medical Center and various parking lots in the area. A survey of members of the church had indicated that 55% of them arrive for the Sunday services by means other than use of private automobiles. Given that background, he had recommended to his clients that no off-street parking be provided in conjunction with the proposed project. He stated that he had also explored the desirability of retaining the existing educational building. He had discussed that issue with representatives of the Foundation For San Francisco's Architectural Heritage; and he had understood from the staff of the Department of City Planning that the Landmarks Preservation Advisory Board had never expressed interest in the building. The existing building has a greater height than some of the Victorian buildings to the north; and, as a result, it interrupts the consistency of the block. Furthermore, a determination had been made that it would not be economically feasible to rehabilitate the existing building. Therefore, he had proceeded to undertake studies leading to the preparation of plans for a new building. Using photographic slides taken of models, he explained the alternate forms which had been considered for the proposed building. He then described the form of the building being proposed, explaining that it would provide a transition between the church building on the south and the Victorian structures to the north. He stated that the proposed building would have an eight foot front setback, a six foot passageway along the north property line, and a rear yard to the west. While the existing building has a height of 53 feet, the proposed building would be kept to a height of 40 feet to provide more light and air for adjacent properties. In conclusion, he stated that he had attempted to relate the facade design of the proposed building to the sanctuary building and to the other buildings in the block.

John Lowery, a member of the Building Committee of the Calvary Presbyterian Church, stated that he and his associates were aware of the legitimate interests of the church's neighbors; and, as a result, they had written to the Pacific Heights Association on July 15 to explain the proposed project and to invite representatives of that organization to attend a meeting to discuss the proposal. Copies of the letter had been sent to the Pacific Heights Neighborhood Council, the Cow Hollow Association, and the Fillmore Merchants Association.

In addition, they had sent a similar letter to all owners of property within a 300 foot radius of the church and to all of the tenants of those properties. As a result, a lot of questions were raised; however, none of the associations had taken a position of opposition to the project. One neighboring property owner had expressed concern about loss of privacy which would result from construction of the building.

John Kirkpatrick, 2332 Washington Street, stated that he is a retired architect; and he indicated that he felt that the plans for the new building were quite good, particularly in view of the fact that the proposed building would be lower in height than the existing building. As an expression of contemporary design, he stated that he liked the proposed building; and he felt that it would provide a proper transition between the church sanctuary and the Victorian buildings to the north. Therefore, he expected that the building would fulfill the function expected of it by the church, in contrast to the existing building which would probably function just as effectively if it were to be laid on its side.

Samuel Stewart, Chairman of the Building Committee of the Calvary Presbyterian Church, stated that he had no commercial interest in the project, which would be carried out entirely with donations. He advised the Commission that the single desire of the church was to improve its facilities and make them more useful while enhancing the neighborhood.

William Benton, owner of a 10-unit apartment building at 1325 Laguna Street, stated that he has frequent requests from elderly people to be placed on waiting lists for studio units in his building because they want to live near to the Calvary Presbyterian Church; and, as a result, he felt that the proposed facility would be well used.

John Beckham, a member of the Board of Directors of the Pacific Heights Association, summarized a letter which he had submitted to the Commission earlier in the afternoon which read as follows:

"On behalf of the Board of the Pacific Heights Association, I should like to request that consideration of the request of Calvary Presbyterian Church to replace its existing education building and the various ramifications thereof be postponed for one month in order that the architects for the church and the neighbors may meet in meaningful discussions and resolve the conflicts which have arisen between them.

"The conflicts generally involve four issues: the facade, including whether the present facade should be kept, or if replaced, with what; parking; reduction of privacy for the contiguous neighbors; and the type of play area which will be constructed on the top of the new building, including its visibility from neighboring properties and the type of barrier or fence with which it will be enclosed.

"To date, the neighbors and the church have had two meetings at which the neighbors expressed strong objections to the matters stated above. The architects for the church within an hour of the writing of this letter have indicated that they have no intention of discussing these matters further with the neighbors and feel that no compromise is possible. It is apparent, therefore, that meaningful negotiations of these issues will proceed only after your commission has granted our request for a delay and has instructed the church and its architects that neighborhood issues must be considered. We live in close proximity to the church. Neither the ministers nor most of the congregation do so. As one of the elders remarked to me, 'I would be upset if the church in my block did what we are planning to do, but then I don't live around here and so it does not worry me very much.'

"The members of our Board have individually and in meetings examined the plans which have been proposed. There are some things in them which show considerable imagination and taste, but the facade is totally inappropriate as planned, removal of garden walls and fenestration of the rear wall will leave neighbors with no privacy, increased use of the building will further impact an impossible parking situation, and there is much concern over the play area. I have received, as have other Board members, a constant stream of calls indicating neighborhood concerns. We believe that these can be resolved and stand ready to represent the neighbors in such discussions, provided the delay which we have requested is granted."

Mr. Beckham stated that he had also submitted a letter to the Landmarks Preservation Advisory Board urging that Board to study the desirability of designating the existing education building of Cal Presbyterian Church as a Landmark. He requested that the Commission continue the matter for thirty days so that there could be further discussion of the proposed project among residents of the neighborhood and so that the Landmarks Preservation Advisory Board would have time to decide whether the education building should be designated as a Landmark.

Anne Bloomfield, 2229 Webster Street, also asked that the Commission's consideration of this matter be continued. She stated that she had been present at a meeting of the Landmarks Preservation Advisory Board in August when the proposed project was mentioned; however, no discussion had ensued. She noted that the sanctuary of Calvary Presbyterian Church is listed in the index of "Here Today". She did not feel that the design of the new structure would provide a suitable transition between the sanctuary and the Victorian structures to the north. She remarked that the location of the entrance to the school would be completely changed if the new building were to be constructed as designed; and she questioned whether that would be a good idea. Furthermore, if a new building were to be constructed, she felt that some provision should be made for off-street loading and unloading of children who arrive in groups.

Mrs. Scoortis, owner of property at 2407 Pacific Avenue, stated that her property lies adjacent to the site of the education building to the west. Her property is developed with a building which contains two flats; and she advised the Commission that she lives in the upper flat. She stated that she was concerned about the fact that the proposed building, as designed, would interfere with her privacy. Of particular concern was the proposed roof-top playground. If the play area were not fenced, the children would be able to look directly into her yard. Even if a fence were installed, the play area would be a source of noise. She also assumed that the new building would bring about an increase in traffic; and, given the parking problem which presently exists in the neighborhood, she felt that off-street parking should be provided. She indicated that she had attended the variance hearing which had been held by the Zoning Administrator relative to the proposed project; and she stated that she was the only individual who had spoken in opposition to the project at that time. She noted that the third story of the proposed building would have a great deal of glass; and individuals looking out of those windows would have a view of her deck and her garden. She had been told by the architects for the project that she would be contacted when landscaping plans had been completed; and they had showed her the landscaping plans two days ago. Those plans indicated that trees with a height of sixteen feet would be planted; however, since the building itself would have a height of 40 feet, the trees would have little effect in terms of protecting her privacy. She had asked that opaque glass be used in the building; but she had gotten no response to that suggestion. Furthermore, she felt that a fence with a height of at least six feet should be constructed around the roof-top play area. She did not believe that her requests were unreasonable; however, the church had not been willing to compromise in any way.

Linda Kahn, 2430 Pacific Avenue, stated that she was concerned about having a new facility constructed which would increase the number of strangers using the streets in the area.

Mr. Robinson stated that a continuance would be disadvantageous to the church. He remarked that residents of the neighborhood had been afforded an opportunity to participate in the development of plans for the new facility; and he indicated that the planning schedule had included seven weeks for consideration by residents of the area. Further delay in the construction schedule at this point would be to the economic disadvantage of the church. He noted that the proposed building would be somewhat smaller than the existing building; and, as a result, he did not feel that it would bring about an increase in parking congestion in the area. Furthermore, he emphasized that the church is not solely responsible for the parking problem. The roof-top would be used as a playground for children; and he felt that a four or five foot high wall around the playground would protect the neighbor's privacy. He further stated that he had received a letter from an acoustical engineer which stated that the roof-top playground would be less noisy than a similar use at ground level.

Commissioner Bierman remarked that it was somewhat strange that the model which had been pictured in the photographic slides which had been presented by Mr. Robinson depicted everything, including people and trees, in a white color. It was obvious that the trees would be green in color; and she felt that they should have been depicted properly. She also noted that the model did not show any fence on the roof. She suggested that the model should be reworked so that it would be more realistic and give a better impression of how the building would fit into the neighborhood. Furthermore, the Commission had received a letter from Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, requesting that consideration of the proposed project be continued so that the board could review the existing building for possible landmark designation. For those reasons, she felt that the matter should be continued.

Mr. Robinson stated that the fence around the playground would be set back from the edges of the building; and, as a result, it would not be visible from street level. In any case, there are limitations on what can be shown on models. He remarked that the Commission often establishes a condition requiring that final plans for projects be subject to review and approval by the staff of the Department of City Planning; and he urged that the Commission approve the application with such a condition during the present meeting so that he could proceed to complete final working drawings for the project.

Mr. Stewart stated that the church had spent three years and had employed two architectural firms in preparing plans for the proposed project. The possibility of preserving the old building had been thoroughly explored; but the unanimous conclusion of the individuals involved was that the building could not be saved.

Commissioner Bierman asked if consideration had been given to the possibility of retaining the facade of the existing building. Mr. Stewart replied in the affirmative but indicated that preservation of the facade would be prohibitively expensive. He stated that twenty people from different backgrounds had served on the church's building committee; and they were in agreement that construction of the new building would be the best suggestion to the problem.

Commissioner Starbuck asked how much smaller the proposed building would be than the existing building. Mr. Stewart replied that the building would have approximately ten percent less floor area than the existing building. He believed that the new building would be more efficient; but he did not feel that it would attract more people to the neighborhood. In reply to a further question from Commissioner Starbuck as to the way in which the new building would be used, Mr. Stewart stated that the building would house basically the same type of activities which have been housed in the existing building.

Rai Y. Okamoto, Director of Planning, recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He suggested that the Commission might wish to add a fourth condition to the draft resolution specifying that final plans for the project should be reviewed and approved by the staff of the Department of City Planning.

Commissioner Starbuck moved that the matter be continued until the Commission's meeting on September 22. He expected that residents of the neighborhood who had been out of town will return home after the Labor Day weekend; and, in addition, the continuance would allow the Landmarks Preservation Advisory Board to look into the matter of the existing building. He believed that everyone was close to agreement on the issues involved; and he felt that the additional time would be helpful. During the interim, he hoped that the applicants would be able to give some assurances to the neighboring property owners that their privacy would be protected.

The motion was seconded by Commissioner Bierman. When the question was called, the Commission voted unanimously to continue this matter until the meeting of September 22, 1977.

DR77.51(CU) - 2481-83 HARRISON STREET, EAST LINE, 78 FEET NORTH OF 21ST STREET.

DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A COMMUNITY MENTAL HEALTH RESIDENTIAL PROGRAM FOR 15 ADULTS IN AN EXISTING TWO-FAMILY HOUSE TO BE OPERATED BY THE PROGRESS FOUNDATION FOR THE DISTRICT I (MISSION) COMMUNITY MENTAL HEALTH CENTER; IN A C-M AND PROPOSED RH-2 USE DISTRICT.
(EXEMPT FROM ENVIRONMENTAL EVALUATION)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has 26 feet of frontage on Harrison Street and a total lot area of 2,600 square feet. The property is developed with an unoccupied two-family house which has a total of seven bedrooms, 4 bathrooms, and three parking spaces in a basement garage. He stated that the applicant, the Progress Foundation, proposed to use the existing building for a community mental health residential program for 15 adults. The program is one of the services of the District I (Mission) Community Mental Health Center and is funded by a Federal conversion grant awarded to the San Francisco Department of Community Mental Health Services. Residents of the facility would be former mental patients developing the ability to be independent. The staff of the Progress Foundation would provide 24 hour supervision at the facility. Residents of the facility would not have cars. The Progress Foundation operates another facility on Capp Street; and the new facility would be used to house patients during the second step of the rehabilitation process. The Progress Foundation would house its administrative offices in the basement of the Harrison Street building. Although the proposed use would be permitted in a C-M district, the property was proposed for reclassification to RH-2; and, under the standards of that district, residential care facilities for more than six persons would require conditional use authorization from the Commission. Until formal enactment of the new zoning standards, the Commission is taking such matters under discretionary review with notice being given as in conditional use cases. No additional off-street parking would be required for the proposed use.

Steven Fields, Executive Director of the Progress Foundation, stated that the District I Community Mental Health Center had given top priority to providing residential facilities for several years; however, Federal funds had been available for such facilities only during the past year. The facility operated by his organization on Capp Street was the first facility to be opened. It would continue to be used; and the new facility on Harrison Street would be structured as a "graduate" facility for patients who would first be housed at the Capp Street facility. Given the current speculative housing market, they had experienced difficulty in finding residential buildings which they could afford for the program; and he hoped that the proposal would be approved by the Commission. A meeting had been held with residents of the subject neighborhood to explain the proposed use; and

information sheets had been distributed in both Spanish and English. He also noted that the advisory board of the District I Community Mental Health Center had sent a letter to the Commission in support of the subject application.

Bruce Smead, a resident of 21st Street, read the following letter which had been addressed to the Commission by the Folsom Block Club:

"The proposal of Progress Foundation for a residential mental health program to be located at 2481 Harrison Street was discussed at a block club meeting on August 30, 1977 attended by about two dozen residents of the immediate area and four representatives of the Progress Foundation.

"The residents who attended reached a unanimous consensus that the Harrison Street location is undesirable for the following reasons:

- "1) The John O'Connell School already has had a serious negative impact for the residents of these blocks.
- "2) There has been a breakdown of services and support by the city in this area.
- "3) These blocks have had serious crime problems and are identified by the city as a 'critical high-need area'.

"We support the installation of a residential health facility in the general vicinity but we feel very strongly that the choice of this particular location on Harrison and 21st Streets is very bad, both from our point of view and for the well being of persons who would use the facility. It would be regrettable if inadequate funding or arbitrary deadlines forced the residential mental health program to be located at an undesirable site."

Commissioner Bierman asked why residents of the neighborhood were opposed to the proposed facility. Mr. Smead replied that the primary reason was that the neighborhood already has serious traffic problems because of the traffic generated by the John O'Connell School; and they felt that the opening of another public facility in the area would place too much of a burden on the immediate neighborhood. He indicated that he used to live one block further away from the area; and he advised the Commission that conditions are enormously different in the two locations.

Linda Wilson, representing the Mission Planning Council, stated that she supported the concept of the proposed facility; however, she could not endorse the site which had been chosen by the applicants. In addition to the John O'Connell School, the City is planning to build a new gymnasium across the street from the subject site; and she felt that residents of the subject neighborhood were being asked to put up with more than their fair share of public facilities and the problems which they generate.

Doris Reed, a resident of the area, stated that residents of the area are trying to improve their neighborhood; but she felt that they were getting very poor cooperation from the City. In addition to the school and the gymnasium which had already been mentioned, the neighborhood also has a boy's club. The school has night-time classes as well as day-time classes. Such a high level of activity is not good for residents of the neighborhood; and she did not feel that the activity level would provide the proper setting for the proposed facility, even though she was supportive of the program being proposed by the Progress Foundation.

Commissioner Bierman asked Mr. Fields how long his organization had been looking for a building to house the facility. Mr. Fields replied that the search for a building began last February. He stated that it had been difficult to find a building at the price which they could afford; and they had also wished to acquire a building without tenants so that no one would have to be evicted. In his opinion, the positive aspects of the subject building were sufficient to outweigh the negative aspects of the location. He felt that the proposed facility would enhance the subject neighborhood; and he remarked that members of his organization has had experience working with their neighbors.

Commissioner Starbuck inquired about the anticipated average age of the residents of the proposed facility. Mr. Fields replied that he expected that most of the residents would be in the range of 25 to 30 years of age.

Commissioner Starbuck then asked if the facility would have both male and female residents. Mr. Fields replied that there tends to be a higher number of male referrals; however, his staff does strive to maintain a sexual balance. With regard to the issue of traffic and parking, he stated that it was anticipated that the proposed facility would have no more than two staff members; and their automobiles could be accommodated in the off-street parking spaces on the site. Furthermore, he pointed out that the building could be occupied by three families if it were to be used for residential purposes; and he believed that such occupancy would generate more traffic than the proposed facility.

Ms. Quiones, Chairperson of the Health Committee of a Latin American organization in the Mission District, reported that the John O'Connell School has acquired a second site on Bartlett Street. Some of its students will be assigned to the new facility; and, as a result, there should be a reduction in the amount of traffic generated in the subject neighborhood. In any case, she felt that it would be desirable for a rehabilitation center to be located near a school. She emphasized that the Progress Foundation had experienced difficulty in finding a suitable building to house the proposed program; and she felt that it was important that the program should get underway as soon as possible. She hoped that the application would be approved by the Commission.

A senior counselor from the Progress Foundation's Capp Street facility expressed the opinion that individuals enrolled in the foundation's program would be able to adjust to the Harrison Street environment and to cope with the problems presented by that neighborhood.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Bierman moved that the draft resolution be adopted. While she appreciated the concern expressed by the residents of the neighborhood that the proposed facility would contribute to the problems of their neighborhood, she emphasized that there is a need for the type of facility which was being proposed; and she felt that society has a responsibility to see that rehabilitation facilities are allowed to exist in an appropriate residential setting. However, she hoped that the applicants would be willing to meet with residents of the neighborhood to discuss any problems which might arise as a result of the proposed use.

The motion was seconded by Commissioner Carey.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7798 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

REPORT ON FILING OF AN ABBREVIATED MASTER PLAN FOR CHINESE HOSPITAL AND DETERMINATION OF THE NEED FOR A PUBLIC HEARING ON THAT PLAN.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reported on this matter as follows:

"A copy of the Chinese Hospital Master Plan is transmitted to each Planning Commissioner with this memo in order that the Commission may be prepared on Thursday, September 1, 1977 to determine whether this master plan should be set for public hearing.

"The institutional master plan ordinance provides that institutions which occupy a site of less than an acre may submit an abbreviated master plan and provides further that 'the Commission may, at its option, either hold or not hold a public hearing on such plan, as the Commission may deem the public interest to require.'

"Chinese Hospital has submitted such an abbreviated plan and would like to move ahead with the work proposed in the plan. The hospital has recently completed a new outpatient building which was authorized, in a commercial zoning district, under building permits issued in 1975. However, only a very small part of the new building is being used because the hospital intends to relocate its existing hospital into that new building and to remodel for doctor's offices the existing hospital building, built in 1923. The State has determined that the existing hospital does not meet current standards for a hospital. A certificate of need was issued on March 24, 1977 by the State of California Department of Public Health. In a letter informing Mr. Stephen Fong, President of the Board of Director of Chinese Hospital that the certificate of need had been issued, the project was described as follows:

"'Relocation of sixty (60) Acute Care beds from existing Hospital Building to another building on adjacent site. The project is required to comply with all construction and operational requirements for licensure as a General Acute Care Hospital. This approval is based on present license bed classification only. Any changes to license or new services added are subject to Certificate of Need process (Section 437.10, Health and Safety Code.)'

"Appendix B of the master plan shows partial plans for the proposed remodeling of the new building to accommodate the hospital. A more complete set of plans is on file in the Department. This set of plans shows the basement parking garage converted to food service facilities and general supply storage for the hospital. The Hospital has indicated on the plans that a new parking

deck could be built over the existing parking lot at the rear of the existing hospital; however, the Hospital would prefer not to do this unless required to do so by the City.

"A variance was granted on May 2, 1974 to permit the medical office building to be built with only 22 on-site parking spaces rather than the 85 off-street parking spaces which would otherwise have been required to comply with parking standards of the City Planning Code. The proposal is still being evaluated to determine whether the new parking plan will comply with the conditions of the variance.

"Because it appears that the work proposed by the institutional master plan has substantial support within the Chinese community, because the project is not controversial and because a Certificate of Need has been issued by the State of California, I recommend that the City Planning Commission find that a public hearing is not required on the institutional master plan for Chinese Hospital."

Commissioner Bierman, noting that a full institutional master plan had been required from the San Francisco Conservatory of Music, asked why different standards were being applied to the Chinese Hospital. Mr. Steele replied that the Chinese Hospital has a site which is only one-half acre in size whereas the Conservatory has a one and one-half acre site.

Commissioner Bierman stated that she felt that the Commission should schedule a public hearing on the Abbreviated Institutional Master Plan for Chinese Hospital.

It was then moved by Commissioner Carey, seconded by Commissioner Starbuck, and carried 3-1 that the Commission find that a public hearing would not be required on the Abbreviated Institutional Master Plan for Chinese Hospital. Commissioners Carey, Rosenblatt, and Starbuck voted "Aye"; Commissioner Bierman voted "No".

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 8, 1977.

The City Planning Commission met pursuant to notice on Thursday, September 8, 1977, at 2:15 p.m. in the Commission meeting room at 100 Larkin Street.

PRESENT: Toby Rosenblatt, President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Alec Bash, City Planning Coordinator; Kit Hermann, Planner II; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Elliott, seconded by Commissioner Bierman, and carried unanimously that the minutes of July 7, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that the draft Environmental Impact Report for the Ralph K. Davies Medical Center will be calendared for certification during the Commission's meeting on October 13. Conditional use applications which have been filed by the medical center will be calendared for consideration on the same date.

The Director reported that the Board of Permit Appeals, meeting on the previous evening, had sustained actions taken by the Commission relative to development proposals for properties at 145 Carmel Street and 1071 Girard Street. However, whereas the Commission had indicated that it would allow construction of one dwelling unit on the property at 145 Carmel Street, the Board of Permit Appeals had expressed the opinion that the site is not a buildable lot; and they had encouraged residents of the neighborhood to file an appeal if a building permit is issued for one dwelling unit on the site.

The Director announced that the California County Planning Commissioner's Association will hold its annual conference in San Francisco commencing on October 13.

The Director reminded the Commission of the joint meeting to be held with the Recreation and Park Commission next Thursday, September 15, for consideration of design alternatives for the Upper Great Highway. The meeting is scheduled to begin at 12:30 p.m. He also noted that the Commission had received a letter from Mayor George R. Moscone requesting that a second public hearing be scheduled on the same matter at either an evening or a Saturday meeting in the near future. In response to the Mayor's request, the Commission tentatively scheduled a meeting which would be held on Tuesday evening, September 20.

The Director reported that the developers of Golden Gateway Center North have filed an appeal with the Board of Supervisors seeking to have certain conditions established by the City Planning Commission under Resolution No. 7787 (adopted August 11, 1977) rescinded. He also indicated that he had received a letter from the Redevelopment Agency advising him that they intend to support the developers in the appeal. The appeal will be heard by the Board of Supervisors on Monday, September 19 at 2:00 p.m.

President Rosenblatt requested that a meeting of the Commission's Budget and Personnel Committee be scheduled at 11:30 a.m. on Thursday, September 29, to discuss procedures to be followed in filling the Assistant Director position which will be vacant after the retirement of Edward I. Murphy.

The Director informed the Commission that the Regional Planning Committee of the Association of Bay Area Governments (ABAG) has scheduled three regional meetings at various locations. The meeting closest to San Francisco will be held Wednesday evening, September 14, at 7:30 p.m. at the San Mateo Government Center, 590 Hamilton Street, Redwood City.

Commissioner Starbuck requested the staff of the Department of City Planning to transmit a copy of its design analysis and recommendations relative to the proposed Performing Arts Center Garage to the members of the Redevelopment Agency prior to their next meeting.

Commissioner Starbuck requested the staff to proceed with preparation of draft guidelines for the review of permit applications for projects involving the sale of alcoholic beverages.

In reply to a question raised by Commissioner Starbuck, Robert Passmore, Planner V (Zoning), reported that the Mayor's office has not yet approved the supplemental appropriation of funds for giving public notice of hearings to be held on the staff's Residential Zoning Study recommendations.

Commissioner Starbuck requested that a meeting of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) be scheduled for Thursday, October 20, at 11:00 a.m. to review the Department of City Planning's Enforcement Activities.

Commissioner Starbuck introduced a draft resolution of commendation for Edward I. Murphy, Assistant Director of Planning, on the occasion of his retirement. It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7799.

ELECTION OF OFFICERS

It was moved by Commissioner Dearman and seconded by Commissioner Bierman that Commissioner Starbuck be nominated for the office of Vice President of the City Planning Commission. Commissioner Starbuck declined the nomination.

It was then moved by Commissioner Starbuck and seconded by Commissioner Carey that Commissioner Dearman be nominated for the office of Vice President of the City Planning Commission. As no further nominations were forthcoming, the receipt of nominations was closed. The Commission then voted unanimously to elect Commissioner Dearman to the office of Vice President of the City Planning Commission.

DR77.14 - 63 MULLEN AVENUE, NORTH LINE, 230 FEET EAST OF ALABAMA STREET.
CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705465 FOR A HORIZONTAL EXPANSION OF THE SECOND FLOOR LEVEL OF AN EXISTING BUILDING FOR A BEDROOM, BATH AND BALCONY, THE REAR BUILDING WALL OF WHICH WOULD HAVE A HEIGHT OF APPROXIMATELY 26.5 FEET.
(CONTINUED FROM THE MEETINGS OF JUNE 30, JULY 14 AND AUGUST 11, 1977)

Robert Passmore, Planner V (Zoning), stated that the parties involved had agreed to request that this matter be continued until the meeting of October 13, 1977. It was then moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that this matter be further continued until the meeting of October 13, 1977.

RS77.20 - PUBLIC HEARING ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION OF A BUILDING AT 2977 MISSION STREET INTO 12 RESIDENTIAL UNITS AND 2 STORES.

Alec Bash, City Planning Coordinator, described the subject property as a rectangular parcel with a frontage of 65 feet on

Mission Street and a depth of 115 feet. The property is zoned C-2 and is subject to a 65-B height and bulk district. A building containing 12 two-bedroom units and two commercial spaces is under construction on the site; and the applicant proposed to subdivide the building for sale on a condominium basis.

No one was present to speak in opposition to the application.

Martin Del Campo, the applicant, indicated that he was present to respond to any questions which might be raised by members of the Commission.

Robert Passmore, Planner V (Zoning), recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to the following conditions:

"1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.

"2. The subdivider shall install and provide for the maintenance of street trees on Mission Street and landscaping in the rear parking area."

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7800 be adopted and that the proposed condominium subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by Mr. Passmore.

RS77.18 - PUBLIC HEARING ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION OF BUILDINGS TO BE CONSTRUCTED AT CARNELIAN WAY AND DIAMOND HEIGHTS BOULEVARD INTO 35 UNITS.

Alec Bash, City Planning Coordinator, stated that the subject property consists of three lots of irregular shape with areas ranging from 0.9 acres to 2.8 acres for a total area of approximately 5 acres. Building permits were approved in the Fall of 1976 for construction of 35 dwelling units in three groupings of townhouses. The subdivider was proposing that the 35 dwelling units be sold on a condominium basis. It is expected that the 35 three-bedroom units would have sales prices ranging from \$125,000 to \$150,000. The subject properties are within the Diamond Heights Redevelopment Project Area.

Mr. Kaufman, 5082 C Diamond Heights Boulevard, noted that the case report on the matter indicated that the properties are subject to a 40 foot height limit; and he asked if the proposed buildings would be constructed to that height. Mr. Bash replied that it was

his understanding that the Redevelopment Agency, which has jurisdiction over the project, had limited the height of the buildings to 14 feet.

Robert Passmore, Planner V (Zoning), confirmed that the buildings would be restricted to the height limits set by the Redevelopment Agency. No one else was present in the meeting room to address the Commission on this matter.

Mr. Passmore recommended that a draft resolution with the following resolved clause be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision on Carnelian Way and Diamond Heights Boulevard, Lots 11, 12 and 13 in Assessor's Block 7501, as set forth in the tentative map submitted with Referral No. RS77.18, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

"1. The subdivider shall install and provide for the maintenance of trees and other landscaping in a manner complementary to such landscaping as has been installed for the adjacent Harbor View Villas Unit I, and consistent with requirements of the San Francisco Redevelopment Agency.

"2. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code."

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7801.

DR77.56 - CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7707950, 7707951 AND 7707952 FOR THREE SINGLE-FAMILY HOUSES AT 55, 75 AND 95 HOLYOKE STREET.

Robert Passmore, Planner V (Zoning), stated that the subject building permit applications involved the proposed construction of three single-family dwellings on the northeasterly side of Holyoke Street south of Campbell Avenue. The site is vacant, treeless, and slopes slightly downward to the south. It is littered with scrap lumber. Fences of the adjoining properties surround the site on three sides. The frontage is chained in with a chain link fence. Holyoke Street is not improved but is passable. It provides access

to a garage shed for a residence fronting on Teddy Avenue, which is about 50 feet lower than the subject site since the terrain slopes steeply downward from the southwest side of Holyoke Street. The general area is developed with single-family homes. The project would affect views from buildings on lots adjoining the subject site to the north; and owners of property on Campbell Avenue had addressed a letter to the Zoning Administrator which read as follows:

"We, the residents's of 339, 343, 347 and 351 Campbell Ave., lots number 45, 46, 47 and 48, of block number 6204 hereby requests that you, as planning commissioner, conduct a discretionary review of application of permit to build on lots number 34, 35 and 45.

"These four houses on Campbell Ave. are of reverse plan, the living rooms are situated to the rear of the structure and is built and sold as a view house. The houses planned on lots number 34, 35 and 45 are directly located to the rear of the said affected houses.

"As planned, structures built on lots number 34, 35 and 45 will be approximately twenty feet high and will almost totally reduce our enormous view to a mere wall of stucco.

"Building the structures will greatly depreciate the value and our personal interest towards the houses we now own.

"We are asking the planning commission to please consider this situation carefully."

Mr. Passmore stated that the proposed houses would have dimensions of approximately 25 feet by 55 feet and that they would have a height of approximately 20 feet. Because the end of Holyoke Street is tapered, the houses would be set back from Holyoke Street, 10, 14, and 18 feet respectively, moving from north to south, to provide automobile access to the most southerly building. The houses would sell for approximately \$70,000 each. The negative declaration which had been issued for the project specified that the site is in a special geologic study area on land subject to ground failure during seismic activity; and it noted that the project's sponsor had agreed to follow the foundation recommendations of a licensed soil engineer. The staff of the Department of City Planning had analyzed the issue of view blockage. It had been determined that the most northerly of the subject lots was originally the rear yard area of the lots fronting on Campbell Avenue; however, it had been split into a separate lot just prior to the time that the lots fronting on Campbell Avenue were developed. As a result, the developer of those lots must

have know that future construction on the new lots would block views from the buildings which were being constructed on Campbell Avenue. If the houses to be constructed on the Holyoke Street lots were to have lesser set-backs, the buildings would interfere less with the views from buildings on Lots 48 and 49 fronting on Campbell Avenue; however, the views from Lots 46 and 47 would still be impaired. Furthermore, it would be difficult to get automobiles into the southernmost building on Holyoke Street if the set-backs were to be eliminated. Through excavation, the height of the proposed houses could be lowered approximately one foot. In addition, the living rooms of the proposed buildings were to have ceiling heights of ten feet whereas the bedrooms would have ceiling heights of only eight feet; and if the ceiling height throughout the buildings were to be limited to eight feet, the buildings could be reduced two additional feet in height for a total reduction of three feet. The staff felt that such a lowering in height of the buildings would ameliorate the view blockage; and Mr. Passmore recommended that the staff be instructed to pursue that objective rather than having a discretionary review conducted by the Commission.

Commissioner Dearman asked if she were correct in understanding that approximately one-half of the southerly windows of the building on Lot 46 fronting on Campbell Avenue would still be blocked even if the new houses were to be lowered three feet in height. Mr. Passmore replied in the affirmative but noted that Lot 46 is a corner lot and that the building on that site could have windows on Holyoke Street. He noted, however, that the height limits pertaining to subject lots would have permitted construction up to a height of 35 feet.

William Heijn, architect for the applicant, felt that it would be possible to lower the roof lines of the proposed buildings so that there would be less interference with the views from the buildings on the Campbell Avenue properties; however, he did not believe that resiting the proposed buildings on their lots would affect the view blockage to any significant extent. Furthermore, any substantial excavation on the subject lots would threaten to undermine the retaining walls at the rear of the Campbell Avenue lots.

Commissioner Dearman, noting that the Commission has in the past encouraged the provision of additional on-street parking by requiring that rows of houses be designed to have "mirror image" garages, asked if such an approach would be possible in the present instance.

Mr. Passmore replied that the staff had not regarded the issue of parking to be of a major importance in the present case since Holyoke Street is a dead-end street with a substantial amount of curb space and since lots to the south have access from Teddy Avenue.

Mr. Heijn stated that the location of the garage on the most southerly lot could not be changed because of the tapering of Holyoke Street. He had considered having mirror image garages on the other

two dwellings; but he felt that the buildings would have a better appearance if the facade treatment were standardized. In addition, the floor plans of the houses, as designed, would orient the living rooms toward the preferred view better than if the floor plans were to be reversed. Finally; he indicated that a light well window in at least one of the buildings may enjoy some view if the floor plans are not all altered.

Mary Ann Chandler, owner of property at 343 Campbell Avenue, stated that she had understood at the time that her property was purchased that nothing would ever be built on the properties to the south. She indicated that construction of the proposed buildings would have a severe effect on views presently enjoyed from properties fronting on Campbell Avenue; and, if the subject lots were to be excavated, she felt that structural damage might occur to the existing homes to the north.

Mrs. Watkins, owner of property at 347 Campbell Avenue, advised the Commission that the view which she presently enjoys is one of the primary reasons which led her to purchase her property. She had paid \$37,000 for the property; and she feared that the value of the property would be significantly depreciated if the proposed buildings were to be constructed, resulting in the loss of her view.

Harry Dear, owner of property at 339 Campbell Avenue, stated that construction of the four reverse plan houses on Campbell Avenue had been approved by the Department of City Planning; and, since they had been constructed with the authorization of the Department, he did not feel that it would be fair for the Department to permit new houses to be constructed which would interfere with views from the living areas of those homes.

Commissioner Bierman asked Mr. Passmore to be more specific about the effect which a three foot lowering of the height of the proposed buildings would have on the view situation. Mr. Passmore replied that he expected that a reduction in the height of the proposed buildings would bring the roof lines of the buildings below the level of windows in the homes on the three easternmost of the lots in question on Campbell Avenue. However, he expected that there would still be interference with the view from the house at 351 Campbell Avenue. He believed that further excavation for the new buildings would probably bring about sewage drain hook-up problems. If the new houses were to be reduced to one story in height, they would be extremely small.

Mr. Heijn remarked that more specific measurements would have to be made in order for the effect of lowering the proposed buildings three feet to be properly analyzed. However, he felt that it was

apparent that the existing house at 351 Campbell Avenue would experience the worst view blockage problem in any case.

Commissioner Bierman suggested that this matter should be continued for two weeks to provide an opportunity for the applicants to make more accurate measurements and to discuss the effect of lowering the height of the proposed buildings with the adjacent property owners.

Joseph Azzolini, the owner of the subject lots, stated that he would be willing to lower the proposed buildings as much as possible as long as the ability to have a proper sewer hook-up is not impaired.

Mrs. Chandler stated that she was very upset about the situation. Since the homes on Campbell Avenue were constructed first, she felt that it would be very unfair if new buildings were to be constructed which would block views from the homes on Campbell Avenue; and she indicated that she was particularly concerned because she spends her days at home and gets a great deal of enjoyment out of her view.

Commissioner Dearman emphasized that the City Planning Commission has no authority to protect views; and she felt that the Commission would be accomplishing as much as it could if it were able to have the roofs of the proposed dwellings lowered to the window sill level of the windows in the houses on Campbell Avenue.

President Rosenblatt further explained that the Commission does not have the authority to make a decision that nothing should be built on the subject properties. The properties are privately owned; and the owner of the properties has a right to develop them in some fashion.

Charles Orekar, owner of property at 74 Teddy Avenue, stated that he had lived in the neighborhood for forty-two years; and he recalled that Mr. Leonetti, the original developer of the tract, had obtained a sewer easement through Lots 70 and 71 which run between the dead-end of Holyoke Street and Teddy Avenue. He believed that the sewer easement is still in effect; and, if so, a further lowering of the proposed houses might be possible.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Mr. Azzolini asked if it would be possible for him to use the sewer easement through Lots 70 and 71. Mr. Passmore replied that the existence of the easement would have to be researched. That research could take place if the Commission were to continue consideration of this matter until another date.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be continued until the Commission's meeting on September 22, 1977.

PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE CONFLICT OF INTEREST CODE OF THE CITY PLANNING COMMISSION AND DEPARTMENT.

Rai Y. Okamoto, Director of Planning, reported on this matter as follows:

"Under date of August 17, 1977, the City Attorney addressed a letter to me which read as follows:

"I have reviewed the amended conflict of interest code submitted to the Board of Supervisors on August 12, 1977. I respectfully suggest that a further amendment should be considered by the Planning Commission.

"The definition for 'interest in real property' contained on page 3 of Exhibit 'C' seems inappropriate to the Planning Department. Specifically, the definition limits the type of real property that may require disclosure to that of a commercial nature. This special definition was prepared for use by the Airports Commission because its operation is outside the City and County limits and their tenants are potential users of commercial not residential property within the City and County.

"On the other hand, the Planning Department affects all types of property throughout the City, and in my opinion the limiting language is not appropriate. I suggest that the portion of the definition beginning 'if such real property is of a commercial nature...' and ending '...is required under this code' be deleted.

"By this letter, I am informing the Clerk of the Board of Supervisors of my opinion and suggesting approval of the City Planning Conflict of Interest Code be delayed pending review by the Commission."

The Director then distributed copies of amended Exhibit C of the Conflict of Interest Code of the City Planning Commission and Department with the language recommended for deletion underlined on page 3. The revised section would read as follows:

"'Interest in real property' includes any leaseholds, beneficial or ownership interest or an option to acquire such an interest in real property located in the City and County of San Francisco or not more than two miles outside the boundaries of the City and County of San Francisco, if the fair market value of the interest is greater than one thousand dollars (\$1,000). Interests in real property of an individual include a pro rata share of interests in real property of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater."

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that Resolution No. 7802 be adopted and that the proposed amendment to the Conflict of Interest Code of the City Planning Commission and Department be approved.

The meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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CITY PLANNING COMMISSION

Minutes of the Special Meeting held jointly with the Recreation and Park Commission and the Director of Public Works on Thursday, September 15, 1977.

The City Planning Commission met pursuant to notice in joint session with the Recreation and Park Commission and the Director of Public Works on Thursday, September 15, 1977, in the Auditorium of the Hall of Flowers in Golden Gate Park at 12:30 p.m.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

Members of the Recreation and Park Commission who attended the meeting were Commissioners Friend, Armstrong, Di Grazia, Eickman, Harris, LaGarda, and Meyer.

S. Myron Tatarian, Director of Public Works, also participated in the hearing.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Calvin Malone, Planner IV; Jonathan Twichell, Transit Planner III; Dave Fulton, Planner II; Robert Feldman, Planner II; Douglas Holmen, Planner II; Kit Hermann, Planner II; Barbara Sahn, Environmental Review Analyst; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Kevin Leary represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

PUBLIC HEARING ON DESIGN ALTERNATIVES FOR CONSTRUCTION OF THE UPPER GREAT HIGHWAY AS RECOMMENDED IN A REPORT ENTITLED "REDESIGN PLAN FOR THE GREAT HIGHWAY" WHICH HAS BEEN PREPARED FOR THE SAN FRANCISCO WASTEWATER MANAGEMENT PROGRAM BY A DESIGN TEAM HEADED BY MICHAEL PAINTER AND ASSOCIATES.

Following introduction of the members of the joint commissions by President Friend of the Recreation and Park Commission and President Rosenblatt of the City Planning Commission, Richard Sklar, Program Coordinator of the Wastewater Management Program, advised the Commissions and Mr. Tatarian that the Wastewater Management Program must have decisions made fairly rapidly on the following items proposed in the report by Michael Painter and Associates:

- "1. Change in beach profile and road alignment.
- "2. Dune restoration and planting scheme.
- "3. Number of lanes and function of roadway (Fulton to Sloat).
- "4. Recreational trail system.
- "5. Public access to beach; including parking and transit plan."

Mr. Sklar stated that more detailed issues such as the size and location of intersections, exact number of parking spaces, and location of transit stops would be resolved after further study and additional public meetings to be held late this year or early next year. After providing the Commission with background information relative to the Westside Transport and Storage Sewer Project along the Upper Great Highway, he introduced Michael Painter.

Mr. Painter, with the use of photographic slides, explained the objectives of the study which he had undertaken and summarized the recommendations which had been made in his report. As summarized in the report, the recommendations were as follows:

"It is the suggestion of the design team that immediate approval be obtained for the following aspects of the concept plan:

- "1. Curvilinear treatment of roadway or access road
- "2. Lowered corridor profile, including grading to create a more stable dune system
- "3. Planting proposed for dune system
- "4. East Park concept
- "5. Cul-de-sac treatment of Lower Great Highway
- "6. Undergrounding of utilities along Lower Great Highway

"It is further suggested that the grading of the altered corridor profile take place while construction of the consolidation sewer is under way so as to avoid the necessity of storage of the excess sand to be generated by construction. This might necessitate the closing of the Upper Great

Highway to through traffic during construction hours - possibly 9 a.m. to 4 p.m. to avoid conflict with commute hours - or the development of a two lane detour to the east of the consolidation sewer. In order to properly screen this detour from the residences on Lower Great Highway the alignment of the box culvert could be shifted to the west by 30-40 feet. This procedure would result in an earlier establishment of beach plantings and would assist in alleviating the blowing sand problem at an earlier date. It would also be necessary to avoid losing the sand before it can be placed and stabilized on the new profile.

"Any of the three schemes examined could be implemented subject to sufficient public support. It would be most difficult to gain acceptance of Scheme Three - the 'no road' scheme due to the large number of motorists whose accustomed routes would be diverted, the extensive off-site street modifications which would have to be developed to prohibit diverted traffic from use of residential streets and the reduction of access to the Richmond District.

"The preferred alternative, from a traffic safety standpoint is the four lane scheme, which coincides with the Supervisor's recent resolution. The four lane scheme also preserves a link in the City's 49 Mile Scenic Drive and enables the elderly and handicapped to approach the central beach area. In addition, this scheme in combination with the cul-de-sacing of Lower Great Highway would result in less dispersion of through traffic into residential areas. Thus unless a majority of the public and the review agencies are found to support the 'no road' scheme, we recommend the four lane curvilinear road with the expanded recreational area."

Ron Treabess, Project Manager of the Golden Gate National Recreation Area and a spokesman for the National Park Service, read and submitted the following prepared statement:

"Today we are speaking as managers of some lands to be directly affected by the actions of this plan, and also as adjacent neighbors who are concerned about the recreation opportunities provided to our community. We have been working very closely with the City of San Francisco in the development of the Westside Storage Facility plans and the Great Highway corridor redesign. We realize the City's need to avoid hauling the sand to be excavated from the project any great distance, and

the need to provide additional protection to the westside transport facility and Great Highway, as well as our responsibility to try to reduce sand erosion in this area. At this time, based upon Mike Painter's work prepared for the City and that being done by the U.S. Army Corp of Engineers for the National Park Service, we are in agreement with the concept plans showing the proposed beach and dune profile to be created with excavated sands, the necessary actions suggested to stabilize this area, and the recreational facilities included to serve the people of San Francisco. One proposed stabilization measure that the National Park Service is recommending against is the construction of artificial headlands. We feel that the \$7.6 million dollars necessary to construct these is not practical for the protection they would provide as an alternative to a periodic sand replenishment program. Some level of sand replenishment would be necessary even with the artificial headlands.

"While not directly involving National Park Service lands, a principal concern of ours is the future of the actual Great Highway corridor. We know that its redesign will have a very strong affect on the recreation potential of Ocean Beach. Consequently, we feel that your most important decision is to determine what type of road to recommend for this corridor. To do this, you must first clearly agree as to what the purpose of this roadway is to be. If it is recreational as stated in the City's Comprehensive Plan and Thoroughfares Plan, this should be stated. Or if a Great Highway is necessary to serve commuters as top priority, then acknowledge that goal. It is only when the purpose or goal has been decided that a meaningful discussion of how to achieve that goal -- 4-lane, 2-lane, or public transportation lane, -- can be beneficial. Then we can be concerned with the impacts of the proposal, such as too many cars on Sunset, and how to mitigate them.

"In following this suggested process, the National Park Service agrees with the previously mentioned City plans that the purpose of this corridor should be to serve recreational pursuits. With this in mind, we are opposed to the replacement of the highway with a new four-lane auto route. While we could accept a two-lane service road between Lincoln and Sloat for use by regularly scheduled public transit and emergency vehicles only. We feel very strongly that under no circumstances should there be auto traffic between Sloat and Skyline.

"We believe that the construction of an automobile roadway during a time of energy conservation and changing transportation priorities is a mistaken commitment of public monies and open space. Recreational transit rather than more automobile use should be supported, especially considering the large number of transit dependent people living in San Francisco. Encouraging automobile driving as a recreational pursuit within the City is not a realistic approach to San Francisco's recreational and transportation needs, nor is the use of valuable city shoreline for automobiles consistent with the objective of improving recreation opportunities along Ocean Beach. A parkway road, be it 2 or 4 lanes, will continue to be a moving barrier and potential hazard to pedestrian access, separating Ocean Beach from the City. There is considerable doubt that significant recreational driving occurs on the existing Great Highway today. The Westside project's Environmental Impact Report supports this doubt stating that '90 to 95% of the trips made on the Upper Great Highway are made for reasons other than to view the Ocean.'

"We are hopeful that a test closure of the Great Highway can be attempted before a final design scheme is adopted. We believe that steps can be taken to change traffic patterns and minimize any impact on the neighborhoods and arterial streets resulting from the closure. We strongly support the test closure of the Great Highway and the Great Highway Extension as soon as possible.

"It is generally agreed that the Ocean Beach corridor is particularly difficult environment in which to adequately maintain and protect a highway. In the event of a new road every effort would probably be made to stabilize sand and retard erosion. There is no certainty, however, that the severe environmental difficulties can be completely overcome or that a new road would not in time prove as much of a headache and fiscal burden as the existing one is today.

"Additionally if more land is retained as open space and not used for a roadway, a greater area will be available for sand entrapment and stabilization measures. We know that the greater the area available for stabilization, the better the opportunity to reduce the erosion and related costs which have plagued the area for so many years. In fact, we feel that the amount of pavement in Scheme 3 (the public transit, no-auto service road proposal) is excessive to what is necessary to provide the proposed recreation facilities.

"We have written to Wastewater Management stating our intent to issue a permit to the City to place the excavated sand on the GGNRA lands as shown in Mike Painter's report. Before the actual permit is granted, some jurisdiction agreements and additional project specifications will be required. While we have no doubt that the City will accomplish these actions prior to the need for the permit, the actual issuance of the permit must await their completion and acceptance by the National Park Service. Two of these that must be completed are a maintenance agreement and a boundary clarification to determine who will be responsible for maintaining which portions of this entire corridor. The existing boundary of the GGNRA is a straight line defined by the westernmost edge of the Great Highway. Under any of the schemes, the boundary must be clarified. In the past, the National Park Service has been opposed to any boundary which would include the Great Highway because of its high maintenance and non-recreational functions. This would continue to be true if the existing Great Highway is replaced with a four-lane roadway, thus leaving the maintenance of the roadway and the eastern parklands in the corridor to the City. If the replacement were a two-lane service road with public transit or a two-lane auto recreation road, the National Park Service would be much more likely to consider a city proposed boundary clarification that would include the total corridor in the GGNRA.

"In addition to these comments we will be giving some more specific comments about details in the plan to Wastewater Management.

"We appreciate the cooperation of all the people working with the Wastewater Management Program and your sincere efforts in soliciting the views and help of the National Park Service. Thank you."

Gary L. Holloway, Senior Coastal Planner with the North Central Coast Regional Commission, submitted and summarized a memorandum which read as follows:

"San Francisco's coastal zone represents one of the most highly urbanized areas in the State of California, and the proposed redesign of this ocean front area represents a unique opportunity to restore this visually degraded area to a more natural-looking appearance through restoration of the sand dunes and emphasis on natural dune and shoreline erosion stabilization techniques.

"In recognition of the magnitude of the West Side Transport and this redesign project, this Commission has appointed a 6-member Subcommittee to monitor progress and

prepare a specific recommendation on the relationships of this project to the California Coastal Act of 1976. Some members of this committee are in the audience today.

"The California Coastal Plan of 1976 (which was not adopted by the legislature) supports the implementation of the Great Highway Improvement Plan, since it would transform this freeway-like commuter-dominated arterial into a more esthetically pleasing recreational road. This position is still valid, particularly in light of the Coastal Act's emphasis on the use of the State's coastal zone for recreational opportunities in preference to other uses.

"Since neither the Subcommittee nor the Commission has had the opportunity to specifically review this proposed Redesign Plan, it is premature at this time to make a specific recommendation on or commitment to any of the three designed schemes. The Subcommittee will be meeting next Wednesday with Michael Painter to review these plans. Your Commission should be aware that any redesign plan which is ultimately approved by the Coastal Commission must incorporate the following or it cannot be found consistent with the California Coastal Act of 1976:

"Public Access must be provided for all users of the coast, whether pedestrians, equestrians, joggers, bicyclists or visitors using private vehicles. In addition, emphasis must be given to public transportation modes which would serve this important coastal area.

"Recreation in the form of coastal-related activities needs to have paramount emphasis in any plan, and no other uses allowed which would preclude any visitor-serving activities.

"Marine Environment shall not be degraded with any man-made construction which would alter the natural shoreline process. The emphasis should be on retaining as much of the sand in the littoral cell as possible.

"Land Resources are very finite in the area and environmentally sensitive habitats (such as the dunes) should be protected. In addition, the effect of any redesign on the adjacent coastal neighborhood should be carefully evaluated.

"Development should minimize the alteration of natural landforms, be visually compatible with the character of surrounding areas, protect public views to and along the coast, and where feasible to restore and enhance the high potential visual quality of this now visually degraded area."

President Rosenblatt requested that the Commission be made aware of the nature of the recommendations of the subcommittee as soon as possible.

Fred Koester, representing the San Francisco Bicycle Coalition, made the following statement:

"The San Francisco Bicycle Coalition's principal interest in the redesign plan for the Great Highway after completion of the consolidation sewer is that whatever plan is adopted it will provide a bicycle path and/or bicycle lanes.

"Therefore, at our monthly meeting on September 8 the report prepared by Michael Painter and Associates on the redesign plan for the Great Highway was reviewed with this in mind and note all three schemes proposed provide biking facilities; however, our preference would be for either Scheme 1 or 2 for in addition to a bicycle path they provide for bicycle lanes adjacent to the automobile lanes for use of commute and experienced riders.

"Wish to also take this opportunity to commend Michael Painter and Associates on their suggestion of bike lanes as well as the bicycle path for this will give the stronger more experienced rider a place to ride removed from the occasional and usually less experienced recreational rider on the bicycle path."

Fredericka Carman asked several questions regarding the consultant's report. The questions were answered by Mr. Painter when he returned to the meeting room.

Margaret Banks, representing the San Francisco Zoological Society, read the following letter which had been prepared by James J. Ludwig, Chairman of the Board of the Zoological Society:

"The San Francisco Zoological Society representing 3,500 members, would like to make the following points regarding the relationship of the proposed redesign of the Great Highway to the San Francisco Zoo:

"1. The southwest Sewage Treatment Plant area should include, on all drawings and maps, the title 'Zoo Expansion Area' in keeping with the Zoo Master Plan. This land, subsequent to completion of the treatment plant, has been and continues to be, designated for zoo purposes. The original agreement was that much of the treatment plant would be underground. The Zoo must retain above-ground use for much-needed off-exhibit breeding and spacious exhibit areas.

"2. All plans and maps of this area should define the boundary of the Treatment Plant area as designated on the Zoo Master Plan drawings. The Zoological Society objects to extension of sewage area into northwest zoo land bordering the Great Highway.

"3. The Great Highway redesign proposal shows vehicle access beyond Sloat Boulevard and has added parking areas to the south as well. Why? The Zoological Society continues to support closing the Great Highway to vehicle traffic at Sloat Boulevard, and to route through-traffic to Skyline Boulevard. The Zoological Society supports development of bicycle paths and nature trails in this area, not encouragement of through-traffic which destroys the basic concept of the entire redesign project.

"4. The redesign has eliminated considerable Zoo parking as designated in the Zoo Master Plan, at the foot of Sloat Boulevard. The Zoological Society is opposed to any plan that will force zoo visitors to park in surrounding residential neighborhoods. Parking must be provided near the entrance to the Zoo for convenience as well as safety.

"5. The wind berm proposed in the Zoo Master Plan should be developed along the southern end of the Great Highway. This berm will create more favorable climatic conditions for the Zoo, a facility visited by close to one million people annually. The berm will retain the unspoiled nature of the coastline and mitigate the height of the West Side Pump Station, which will, without the berm, present a 40' high concrete wall to people who come to the area to enjoy the Zoo and the coastline. The development of the berm makes sense financially as well by using fill from sewage line construction to protect the nearby environment rather than paying thousands of dollars to haul it away. We urge that all plans include wind berm development.

"It is essential that the City of San Francisco recognize the importance of the San Francisco Zoo and give priority to the needs of the Zoo. The time has come to stop treating the San Francisco Zoo in the off-handed manner this Great Highway Redesign report indicates. The Zoo is a sanctuary for the preservation of rare and endangered species, held in trust for the people of San Francisco. The Zoological Society urges that the needs of the Zoo be recognized."

Michael McGill, representing the San Francisco Planning and Urban Research Association (SPUR), made a statement which can be summarized as follows:

"1. SPUR supports the proposals developed by Michael Painter and Associates et al for the expansion and stabilization of Ocean Beach and the provision of a variety of recreational trails.

"2. SPUR supports provision of a four-lane, curved recreational roadway as the replacement for the present Upper Great Highway. We believe that a recreational roadway is needed to provide visual access to the beach and ocean for those persons who either do not have the time or are physically unable to enjoy this area on foot. Present travel data point out the heavy use of the present Great Highway on weekends, when more cars are on the roadway both during peak periods and over a 24-hour period than is the case on weekdays. There is no reason to expect this level of use to decrease on an improved and beautified roadway, and four lanes are therefore required. To provide only two lanes would result in congestion, pose safety hazards, and reduce enjoyment of the recreational drive. SPUR would support closure of the Great Highway Extension between Sloat and Skyline for zoo expansion purposes, provided that the present intersection of Sloat and Skyline is improved so as to facilitate traffic flow.

"3. With respect to the National Park Service's position that it would not consider extending its jurisdiction over the Great Highway should four lanes be constructed, SPUR opposes any such transfer of jurisdiction for a roadway that forms an integral element of the overall transportation system in San Francisco.

"4. SPUR supports total closure of the Upper Great Highway during the construction period for both the wastewater transport line and the overall redesign. Such a

total closure would facilitate simultaneous construction of the pipeline and rebuilding of the beach and roadway, resulting in a substantial time savings, increasing the likelihood that federal/state funds can be used for the redesign, and providing access to portions of the beach sooner than would otherwise be the case. If a two lane access road is required during the construction period, presumably located between the Upper and Lower Great Highways, SPUR would favor use of that roadway by private automobiles during the morning and evening commute periods and on weekends so as to minimize diversion of traffic into adjacent neighborhoods. SPUR also strongly favors installation of traffic control devices to further minimize the traffic impact during the construction period on nearby neighborhood streets.

"In conclusion, SPUR is most pleased to support implementation of the Great Highway redesign with a four-lane roadway. Provision of the recommendations made in the redesign plan should substantially mitigate the disruptions that will occur during the pipeline construction period, and will benefit residents and visitors alike. In a time when the supply of energy appears to be increasingly perilous, provision of improved local recreational opportunities should reduce the need to drive long distances to enjoy ocean related recreational opportunities.

"Finally, the juxtaposition of the construction area and the GGNRA presents an ideal opportunity for implementing a long standing City policy regarding the Great Highway and enhancing a major portion of the GGNRA."

Paul da Silva, appearing for Steve Zimon of the San Francisco Bay Area Chapter of the Sierra Club, made the following statement:

"The San Francisco Bay Chapter of the Sierra Club, with over 5000 members in the City, is quite concerned with the quality of life in this urban environment. To that extent, we have participated in the hearings on the E.I.R. for the West Side Transport System. At that time, we came out in favor of a no road approach for the redesign plan for the Great Highway.

"With the proposed construction of the West Side Transport System we now are presented with a unique opportunity to rectify the poor condition of Ocean Beach. Furthermore, the City can be provided with a well planned and much needed recreation area. To achieve these goals, we can only support the service road concept, Scheme 3. Specifically, we are in favor of the following:

"1) Closure of the Great Highway from Skyline to Sloat

"2) Cul de sac of lower Great Highway from Sloat to Lincoln

"3) No entrances onto any roadway from Judah, Noriega or Taraval Sts.

"4) An innovative plan that would direct traffic onto Lincoln, Sunset Blvd. and 19th Avenue and keep it out of the residential area and out of Golden Gate Park.

"On this last point, the Department of Public Works has not come forward with any such plan, and has virtually ignored this issue. The only proposals so far have come from SPEAK and the Great Highway Neighborhood Association. We feel that Public Works should be devising such a plan in event the no road concept is adopted.

"Our major criticism of the report is that it has its priorities mixed up. The Recreation Value of this area, which should be the number one priority, has been downgraded. From both the tone of the report and the recommendations, p. 38, traffic and private automobile use seem to be the prime concern. In a period of time when energy conservation and protection of our natural resources are becoming increasingly necessary, the development of a 4 or 2 lane thruway is not very sensible or realistic. Furthermore, since the Upper Great Highway is the shortest distance between the Richmond and the peninsula, over 95% of the drivers use it as a freeway for commuting. Recreational drivers, a term we find contradictory, supposedly account for the other 5% (p. 19) who actually use the area.

"And again, nothing has been said about some form of public transportation being proposed as an alternative. A bus or jitney system would make all areas of Ocean Beach accessible to those who don't own cars or who can't drive, whether they be inner city residents or the elderly for examples.

"Also we must question what effect a 125 foot paved road will have on the long range plans to stabilize the area. Mother Nature is fickle and unpredictable. We have already interfered enough with the natural progression of the dunes when we first built that area up. Is there a lesson to be relearned from this?

"Finally, we fully support the position taken by the National Park Service as expressed by Mr. Schober's letter September 9 to Ms. Linda Ferbert, and in their testimony today."

Larry Erickson, representing the Sunset Ocean Beach Committee, read the following prepared statement:

"It is our intention to provide comments on, and counterproposals to, all aspects of the Great Highway Redesign Plan recommended by Michael Painter and Associates, under contract to the Wastewater Management Program.

"VEHICULAR CIRCULATION

"The number of lanes on the redesigned Upper Great Highway is a critical determinant to the overall character of Ocean Beach. Our Committee is supportive of use of Ocean Beach as a high-quality recreation area accessible to all segments of the population. The recommended redesign, in providing for continued use of the Upper Great Highway as a 4-lane, high-speed, commuter roadway, discourages recreational use. We support the restoration of a maximum of 2 lanes on Upper Great Highway for the following reasons:

"- The 4-lane plan encourages high speed traffic flow in such a way that drivers wishing to use this as a recreational route will be unable to do so, as at present.

"- Speeding will continue under the 4-lane plan; design speed is 45 MPH, and inadequate policing is available from SFPD to assure conformance with posted speeds.

"- Recreational driving is not and will continue not to be a primary use of the corridor (5-10% of traffic there is recreational, according to Painter report.)

"- High speed automobile use should not be encouraged during an era of continued energy shortages. The new Upper Great Highway will not be open until the mid-1980's; by this time, voluntary or mandatory gas usage limits are likely. A greater dependence upon public transit for both recreation and business, and corresponding reduction in auto use, should result. San Mateo County's new public transit system can and should handle many of the San Francisco-North Peninsula trips that now comprise 80% of Upper Great Highway's weekday traffic flow.

"- 4 lanes are unnecessary even for present traffic loads. Peak weekday loads on Upper Great Highway are 44% AM, 46% PM; weekend loads are 62% and 54% respectively. Reduction to 2 lanes, particularly with closure at Skyline, would allow much of existing traffic to use the road with a smooth traffic flow, with other trips diverted to Sunset Blvd. and I-280, both well under capacity.

"- 2 lanes or no road can result in cost savings to the City, both in construction and maintenance. The Golden Gate National Recreation Area has expressed interest in taking over maintenance and jurisdiction of the entire Great Highway recreational corridor, saving approximately \$350,000 annually in City maintenance costs (Painter, p. 35) - \$7,000,000 over 20 years, not adjusting for inflation. It is also possible to institute a shuttle bus system along the Great Highway corridor under Federal jurisdiction. GGNRA will NOT, however, take jurisdiction of the proposed 4-lane non-recreational Great Highway.

"- 2 lanes or less would decrease reliance on grade-separated pedestrian crossings to the beach. There is tremendous neighborhood opposition to the installation of pedestrian overpasses along Upper Great Highway; these overpasses would be unattractive to both driver and recreational user alike.

"- Contrary to figures cited on Painter's Partial Plans for Park Road drawing, 2 lanes or less could provide a substantial increase in open space. Roads, paths and other paved surfaces cover an 84' width in the 4-lane plan; an alternative developed by the Sunset Ocean Beach Committee would reduce this space to 50'. (see attached sketch)

"Though great concern has been expressed over the effects of reduced auto capacity on Upper Great Highway, a similar reduction along Upper Market St. provides a positive comparison. Reduction of Upper Market from 6 lanes to 4 during Muni Metro construction did not cause the predicted increase in congestion on adjoining neighborhood streets. There is every reason to believe that effects upon streets in the Outer Sunset would be equally minimal.

"PROPOSED NEW INTERSECTIONS

"We oppose intersection of Upper Great Highway at Judah, Noriega and Taraval. These intersections will generate additional traffic on outer Judah, Noriega and Taraval, all of which are low-moderate density residential streets with scattered businesses. The intersections will

be of little value to Sunset residents southbound, especially if Great Highway extension is closed, and may induce neighborhood residents to forego shopping at local stores for the newly-accessible Richmond Safeway to the north. Traffic signals will do little to slow traffic flow - except at the signals themselves. The intersections are spaced too far apart and are not visible from a long distance due to the curvilinear aspect of the road; it is doubtful many drivers would travel at the speed limit to take advantage of 'timed' spotlights they cannot see.

"LOWER GREAT HIGHWAY

"Cul-de-sacs along Lower Great Highway must be created concurrent with commencement of Sewer construction. These cul-de-sacs will further discourage non-neighborhood traffic from using residential Lower Great Highway instead of the Upper road when traffic is displaced by construction. (Traffic will be displaced whether or not Upper Great Highway remains open during construction of the West Side line.)

"BICYCLE, EQUESTRIAN AND PEDESTRIAN CIRCULATION

"Bicycle

"The provision of separate 'recreational' and 'commuter' bicycle routes is unnecessary. The bicycle path is of ample width (10') to allow slower cyclists to be passed by those going at higher speeds. 'Commuter' cyclists are and will continue to be a tiny minority of cyclists in the Great Highway area, and those who do use the area for this purpose do so during hours of low recreational use.

"The 8' shoulders provided under scheme 2, which also serve the function of high-speed bicycle lanes, are unsafe for such use. This shoulder as designed would probably be used as a passing lane by motorists, putting bicyclists here in danger.

"It is crucial that sand not be allowed to reach the bicycle path; a 'sandy' path makes riding difficult. Sand fencing must be provided here or the bike route should be moved to the east side of the roadway.

"Equestrian

"The placement of concrete bollards and chains at 8-foot intervals along the equestrian path (Painter, p. 5) is reminiscent of a design for an urban space such as Market

Street. Uninterrupted, closely-spaced bollards in this area are aesthetically inappropriate as well as unnecessary. The west side of the bridle path IS an appropriate location for sand fencing. The bridle path which once bordered the dune area has long been covered by blowing sand, and without such provisions, the new path would probably be similarly covered.

"Pedestrian

"Placement of all recreational pathways directly adjacent to one another in Painter's plan creates a second 'roadway' of 28-36 feet in width. Besides promoting conflicts among different types of recreational users, this design eliminates any pedestrian route east of Upper Great Highway ('east park'). The bridle path, presently on the east side, receives heavy everyday use from Outer Sunset residents, and provides a different visual/recreational experience from the dune/beach area.

"PARKING

"Generally, we concur with the overall reduction of parking spaces in the area. However, we strongly disagree with the specifics of parking provisions, as follows:

"Sloat to Skyline - If Great Highway Extension were closed to through traffic, the quantity and appearance of parking areas could be improved. Public parking is needed along the south end of Great Highway Extension for access to Fort Funston; a moderately-sized lot and vista point is appropriate.

"Lincoln to Sloat - Residents in the Ocean Beach neighborhood are opposed to construction of parking lots at Judah, Noriega and Taraval. The minimal benefits of these lots would be offset by many problems:

- The lots would be difficult to police and maintain, particularly at night;
- The lots would be visible to recreational users, decreasing the beach's natural quality.
- Extra costs would be incurred, both in policing litter clean-up and sand control.

"Fulton to Lincoln - This area of the Beach, due to its distance from residences and proximity to popular recreation areas, is among the best locations for parking facilities. Yet, the 'number of parking spaces along this area...would be reduced from 800 to 200' (Painter, p. 11). A reduction in parking spaces is definitely necessary to relieve the present

unbroken asphalt strip, but it appears somewhat more parking can be provided.

"Fulton to Sutro Heights - see general area comments

"GENERAL AREA COMMENTS

"Lincoln to Fulton

"Great concern has been expressed over interconnections of traffic patterns of Great Highway and Golden Gate Park. There is agreement among most parties that large increases in park traffic are undesirable. However, the Painter plan places the new Great Highway in Golden Gate Park! Presently, the far west end of the park is quiet and lightly used. Beach Chalet soccer fields are the greatest magnet to recreational users in the area. Moving Great Highway into Golden Gate Park would:

- destroy the present atmosphere of this portion of the park;
- conflict with the use of the Beach Chalet soccer fields.
- As drawn, the road passes so close to the fields that high protective fencing will be necessary to minimize that conflict;
- the prized 'ocean view' from this part of the road will be eliminated.

"Along the beach front, a large grassy space will be created. Due to the severe climatic conditions at the beach, this new 'marina green' will be unusable much of the year, and will be forsaken for more protected lawn areas in Golden Gate Park.

"A 4-lane divided roadway is appropriate in this area, but it should generally follow its present alignment.

"Fulton to Sutro Heights

"Little consideration has been given to the relationship of any potential development at the Playland property in design of this section. Any new development at Playland will likely be among the densest along Ocean Beach; already the Safeway and Cliff House draw many shoppers and visitors. In this area of most intense use, no grade-separated pedestrian crossing has been provided. It also appears no bicycle route is provided to connect this area with the Park; such a route should be incorporated.

"Sloat to Skyline

"An excellent connection may be made to the Lake Merced pathway system from Ocean Beach through this area. Such a connection is presently not - but should be - incorporated, to improve pedestrian and bicycle circulation."

During Mr. Erickson's presentation, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

Joseph Balanesi, Jr., read and submitted a letter which had been prepared by Mary Marquering, President of the Parkside District Improvement Club, Inc. The letter read as follows:

"The Parkside District Improvement Club and all the residents of the Parkside District and surrounding areas, are vitally concerned with the redesign of the Great Highway.

"Members of our organization have attended the numerous public meetings concerning this matter to gather information for consideration by all of our members. As a result, on July 8, 1977, by letter to Ms. Linda Ferbert, the Community Liaison Coordinator, San Francisco Wastewater Management, we urged the inclusion in the Redesign Plan of certain proposals which we strongly felt necessary to protect the residential quality of the Parkside District and surrounding areas.

"However, in certain instances, the Redesign Plan contains provisions which are directly opposite to our proposals and which will unacceptably increase motor vehicle traffic on our residential streets and avenues.

"It is our firm basic belief that the Upper Great Highway must be redesigned so that it will accommodate at least its existing traffic load, and so that no traffic is encouraged to take alternate routes, such as Sunset Boulevard, 19th Avenue, or other residential avenues, which already carry traffic loads detrimentally impacting on residential quality. In order to effectively carry this traffic, the redesigned Upper Great Highway must be at least a four lane divided highway.

"We object to all the provisions of the Redesigned Plan which do not implement this basic belief. In that connection:

"1. There should be no intersecting of Upper Great Highway with Judah, Noriega and Taraval Streets.

"Such intersections would impede the traffic from along the Upper Great Highway, discourage its use by through traffic and bring additional vehicles into our neighborhoods.

"Such intersections would increase traffic along Judah, Noriega and Taraval Streets in our residential community by 13% to 35%, and thereby further increase traffic along the avenues intersecting these streets.

"In addition, the N and L streetcar lines are located along Judah, Noriega and Taraval Streets respectively, which are designated in the City's Master Plan for Transportation as 'Transit Corridors.' Any increase in traffic along these streets will conflict with the operation of the MuniMetro System and its service to our citizens, and exacerbate the safety hazard for passengers boarding and off-loading street cars.

"2. There should be no traffic lights or stop signs along Upper Great Highway, because they impede the flow of traffic, discourage the use of Upper Great Highway by through traffic, and cause vehicles to take alternative routes in our residential community.

"The provisions in the Redesign Plan for signalization along Upper Great Highway must be obviated by eliminating the intersections at Judah, Noriega and Taraval Streets, and by eliminating all at-grade pedestrian crossings, which are designated for many sites along Upper Great Highway.

"No at-grade pedestrian crossings are necessary, because sufficient access to the beach area for pedestrians will be afforded by the four under-passes and three over-passes. Moreover, such at-grade pedestrian crossings will be a safety hazard, regardless of signalization, and will be destructive of vegetation absolutely necessary for sand control.

"3. Additional and larger off-street parking areas along the west side of Upper Great Highway must be provided.

"The presently planned three vista point parking areas (providing a total of only 120 spaces) are admittedly inadequate to supply the needs of park or beach users. Without additional and larger off-street parking facilities, park and beach users, arriving by private transportation, will have no alternative but to park in the residential community.

"4. There should be no cul-de-sac closures of Lower Great Highway until:

"(a) Adequate study is completed to indicate where the diverted traffic will travel, and

"(b) All residents along the avenues receiving the diverted traffic, including 47th and 48th Avenues, are specifically notified of the possibility of the cul-de-sac closures and the resulting increase in traffic they will experience as a result thereof, and of the rerouting of the

No. 16 and 71 buses, so that their informed input can be expressed.

"The Redesign Plan indicates the present traffic along Lower Great Highway is 4,700 vehicles per day, and after the cul-de-sac closures it will average approximately 500 vehicles per day. It further indicates that the traffic on 47th and 48th Avenues will increase by 700 to 1,400 vehicles per day. However, it does not indicate where the remaining, at least 2,800 vehicles per day, will be diverted.

"5. Provision should be made between Lincoln Way and Fulton Street for vehicles northbound along Upper Great Highway to be able to complete a 'U' turn to travel south along Upper Great Highway. This is necessary to allow vehicles access to the off-street parking areas on the west side of Upper Great Highway without substantial travel in Golden Gate Park or a turn-around in the residential community.

"In view of the above the Parkside District Improvement Club strongly opposes the adoption of the Redesign Plan as submitted.

"We can only approve the Redesign Plan if the proposals set forth above are made part of the Plan, or at least considered to be real alternatives in the Plan, in which case we would expect the opportunity to make further input prior to the time a decision is made concerning the specific alternative to be adopted.

"We also wish to point out that for imperative traffic reasons the Upper Great Highway should be kept open with two traffic lanes in each direction during sewer construction, provided that it will not be a safety hazard or unduly interfere with the construction process."

Commissioner Bierman remarked that she had been involved in several freeway battles in San Francisco; and she indicated that one of the things that she had learned through those experiences was that it is extremely important to avoid upsetting the delicate balance of traffic circulation patterns because when the balance is upset pressures inevitably arise for new freeway routes. She had found the freeway fights to be "devastating"; and she hoped that San Francisco would never experience that type of battle again. She stated that she personally enjoys driving along Ocean Beach; and she felt that it would be a real deprivation for people who cannot walk along the beach if the public roadway were to be eliminated.

Evelyn Wils n, President of the Sunset Parkside Education and Action Committee (SPEAK), advised the Commissions that her organization will hold a general membership meeting on September 28 to take a position regarding the proposals for reconstruction of the Great Highway. She remarked that her organization had proposed a curvilinear redesign of the Great Highway several years ago and had conducted surveys to determine the reaction of residents of the area to that proposal; and she indicated that a large number of the people surveyed had expressed a preference for limited traffic on the roadway. She asked why the graphic materials which had been prepared by Mr. Painter indicated that there would be an increased amount of traffic on 47th and 48th Avenues if the Great Highway were to be closed when 46th Avenue has already been designated as an arterial.

Judy McCabe, representing the Sunset Coalition, read the following statement:

"Once again the concerned, but consistently ignored, citizens of the Ocean Beach area are sitting at a meeting that is being held because the law says 'That's the way you must play the game, fellas'. This time we are asked to comment on drawings and designs by Michael Painter regarding the redesign of the Upper Great Highway. We, in this room, all know that the decision has already been made by the 'powers that be'. But, so what! Regardless of what the Ocean Beach residents want, we know we will once again have something shoved down our throats because, to name a few, Michael Painter, Wastewater Management, District Public Works, Mayor Moscone and the Burton Machine (does the buck stop here) have decided the way it will be. After all, who are we -- we're just lowly citizens that pay our taxes so that Michael Painter, Wastewater Management, District Public Works, Mayor Moscone and the Burton Machine can enjoy the good life. In the meantime, we will have to contend with a sewer system the best way we know how and which will probably be obsolete in the very near future AND will undoubtedly become a fiasco to be known as 'Frisco's Folly'.

"At the same time, we are told that we will have a beautiful set of pipe dreams with an extended beach to enjoy. We are sure the Almighty will grant a permit for the ocean to recede so that the rising ocean tides do not destroy our beautifully planted 200 feet beach extension and our 2½ mile long sewer line. After all, aren't all our permits granted as a matter of form!! We are also certain that geological changes will stand still for us in San Francisco so that the placement of the sewer box and redesign of the Upper Great Highway will not be subject to earthquakes, water and wind erosion and the damage from rising ocean waters. (Fellas, we know you can stop evolutionary change, can't you).

"Now, we also understand that the pot of money for the construction, redesign and maintenance of the Upper Great Highway is limited, but we know you will find a way. You can always stick it to the San Francisco taxpayers. Therefore, we have the greatest faith that San Francisco (the city that knows how - how to what) will construct and maintain the sewer and the Upper Great Highway to the greatest satisfaction of everyone.

"We know that you, as capable and concerned commissioners of this city, will take full responsibility for this project. We also have faith that you the commissioners will vote on this issue based solely on its proven feasibility and not based on any political motives!!!!

"We thank you?"

Shari A. Mann, representing the Great Highway Neighborhood Association, submitted and summarized the following prepared statement:

"CLOSURE of the Upper Great Highway at Skyline would reduce the amount of nonrecreational traffic, and encourage recreational use of any restored roadway. It will enable the Zoo to implement its Master Plan and permit parking and vista point access. It should be done.

"WHAT'S WRONG WITH FOUR LANES BETWEEN LINCOLN AND SLOAT?"

"Four lanes are not recreational now and would not become so with the addition of minor grade level changes ('the steepest grade would be 3.5%' (p.5)*) and mild curves ('curve radii between 900 and 1500 feet' (p.5)). The existing (posted but unenforced) speed limit on Upper Great Highway is 35 m.p.h. 'The average speed is between 45 and 50 m.p.h.' (conversation, S. Mann/Gordon R. Hanson, DPW, 6/21/77). Painter's proposal calls for a posted 35 m.p.h. based upon a design speed of 45 m.p.h. (p.5) Painter's proposal states '...the Upper Great Highway currently operate(s) with free flow, low volume and high speeds and would continue to do so.' (Emphasis added. p.16) The final E.I.R. (Vol. II, pgs. 71, 72) indicates that on a weekday Upper Great Highway is used at 44% of capacity northbound in the morning and at 46% of capacity southbound in the afternoon; on the weekend the afternoon peak northbound is 62% of capacity; southbound it is 54%. Unless there was a substantial increase in purely recreational driving, which seems both unlikely and undesirable, in light of the energy crisis, 4 lanes are simply not needed.

"A 4-lane roadway between Lincoln and Sloat discriminates against the many who wish to enjoy recreation without the automobile. A roadway parallel with the Ocean would continue to exist north of Lincoln Way to Fulton Street (p.11); from Fulton Street to Sutro Heights Park, four lanes are proposed. An auto-free area between Lincoln and Sloat should be set aside for those who desire it; for those reliant for access upon public transit or their own two feet, whether by necessity or choice; so that both automotive and non-automotive recreational needs may be provided for. Recreational facilities in the two-mile corridor between Lincoln and Sloat are used by Sunset/Park-side residents -- the area to the north is not directly adjacent to residences. Further, keeping a road open in the area north of Lincoln is relatively easy because of the seawall; the area between Sloat and Lincoln has been closed 70 days thus far in 1977. Painter's proposal admits that '90-95% of those now driving along the (Upper) Great Highway do so for nonrecreational reasons' (p.26) and concludes that 4 lanes are needed to permit the occasional truly recreational driver to enjoy his drive without undue pressure from the tailgating motorist behind him! There's something 'Catch-22' about the whole thing. Although 4 lanes currently exist, few motorists move at a pace within the legal speed limit -- the assumption that this would change is falacious. The report states that 'The provision of 2 lanes in each direction would facilitate passing slow vehicles...' (p.17) Aren't slow vehicles to be expected, even desired, on a recreational road?

"Space required for plantings and sand entrapment should not be paved; wide, flat and open surfaces are to be avoided in the dune area. Control of airborne said is not consistent with 4 lanes; there is no assurance that a new 4-lane road will be any less expensive to maintain or safer for the motorist than the current 4 lane road, which is neither cheap nor safe.

"Four lanes requires expensive and unsightly separation of pedestrian and auto access by means of under and overpasses. Such unnatural devices are seemingly not required in Golden Gate Park; we wonder why they are required at Ocean Beach? If the road is to be truly recreational, would not simple, clearly defined paths suffice?

"The City has the opportunity to save much taxpayer money in maintenance through boundary negotiation with the National Park Service (GGNRA). If the service road or 2-lane scheme was selected, GGNRA would consider a City-proposed

boundary change to include from the East Park (West of Lower Great Highway) westward to the ocean in National Park lands. They would then 'pay the bill', and we would have the use and enjoyment, but not the expense of maintenance, of the Park. GGNRA will not accept a 4-lane road because it is not recreational, so that if we choose a 4-lane road, we (City taxpayers) will have to pay for it. See pages 35-37 for maintenance cost analysis.

"A 4-lane road encourages needless energy consumption in a time of dwindling energy supply. Public transit, not the private auto, should be encouraged. The National Park Service would like to institute a free jitney/shuttle bus system if they were to be responsible for the area. Although funding does not currently exist, it might be more feasible by the time restoration of the Great Highway was concluded.

"In sum, a 4-lane roadway is no real change, it is merely an expensive, energy-consumptive, non-recreational repeat of past errors. That we can afford the same mistake again seems doubtful.

"If the City decides on a pretty, 4-lane de facto freeway, we wish to make the following points:

"A 5' median is inadequate for safety; yet more space needs to be allocated for roadway.

"Adding intersections at Judah, Noriega and Taraval Streets is undesirable. It is doubtful that local residents would use such intersections to the Upper Great Highway simply to view the Ocean.

"Outer Avenue residents might use them as a faster means of going north or south...hardly consistent with 'recreation'. Surely mid-Sunset/Parkside residents would not drive all the way out to the Beach just to look at an Ocean more visible from Sunset Boulevard.

"It seems unlikely commuters would use such intersections to shop in the neighborhoods - most shopping is physically closer to other streets. The entire population of San Francisco lives east of the Upper Great Highway. The residents on the affected streets are opposed to any increase in vehicular traffic, and said residents are more numerous than the merchants who serve them.

"Traffic signals, called for in the Painter plan, are not recreational in character, nor are they particularly

pleasant to look at. They can be avoided if no intersections are added.

"Further, if there are no intersections, there can be no intersection accidents.

"If the choice is to be 4 lanes, neighborhood opinion is that it would be better to build a good freeway and call it that, to buy the necessary equipment to keep it open at all times, to set aside the large amounts of money required for a truly functional road by the beach. Such a road should remain straight and the policy of not enforcing the speed limit should be continued.

"Curves and a pleasant view will only distract the motorist from his main objective of getting from place to place in a hurry; the weekend and late-night 'drag' racers are more subject to injury also.

"A high-speed recreational freeway is simply contradictory; both concepts cannot be fulfilled at the same time.

"2 LANES

"The Painter proposal states that with reduction to 2 lanes, capacity would be reduced by more than half, would indeed be exceeded northbound weekday mornings, southbound weekday afternoons, and Sunday afternoons in both directions. 'During these periods the level of service would be reduced... and there might be stoppages of momentary duration.' (Emphasis added, p.17) Try to remember we are operating under the misapprehension that this is a recreational road! It's easy to forget it. If the 'recreational driver' is so upset by such delay, he might be better directed elsewhere; Interstate 280, for example. It seems a reasonable proposition that the number of cars involved could move at a legal, constant speed, if not slowed by intersections/signals at Judah, Noriega and Taraval.

"Is it really so important that such a 2-lane road would be 'at or near capacity at peak periods' (p.19)? Perhaps the conclusion to be drawn is that recreational roads are to be avoided at peak periods?

"We fail to see why the 4-lane proposal recommended by Painter 'enables the elderly and handicapped to approach the central beach area' (p.38) more than the 2-lane proposal. Do those elderly and handicapped who are physically able and affluent enough to drive and support automobiles have particular (but undisclosed) problems with 2-lane roads?

"We do not support a 2-lane road; we merely find it somewhat more acceptable than a 4-lane road, if only because fewer non-recreational drivers will be inclined to use it.

"NO ROAD

"Finally and at last we come to something positive, something truly desirable. Something to smile and dream about, the triumph of the person - large or small, young or old, rich or poor, over the auto. Remove this barrier to the Beach and all can cross the street, without going underground (underpasses) or climbing to fenced-in undreamed-of heights (overpasses). The elderly could go at their own slow but steady pace; the young and fleet of foot could race unheeding; the inner-City poor could come by Muni, for tourists without cars its Gray Line, or maybe even GGNRA shuttle. We wouldn't have to worry about ecologically damaging west-of-roadway parking lots (which, as amply demonstrated by Harold Sellman, do not work). We'd have more room for horses, bikes, runners, dogs, kids; we'd probably be able to sponsor international kite-flying contests in the windy month. And plants; those sand-stabilizing plants. We'd save some money, too, by having the National Park Service pick up the maintenance tab. We save energy, if only a small, 2-mile amount; and there would be something for everyone; even those who didn't drive cars would have rights. It would, perhaps, give the many who value such illusory freedom a reason to remain in the City. There are photos of this beach, and I myself have taken some, that show it as it is, or at least as it can be...a lovely place apart, with limitless horizon. And, you know, there isn't an auto in a single one of those pictures?

"Back to reality: If you subtract the petition signatures of the Greater Geary Boulevard Merchants and Property Owners Association, Inc. (146 signatures) and Richmond District residents, merchants, shoppers and customers (36 signatures) from the opinion tally on page 31, what you are left with is that most responders favored no road. No one mentioned petitions would be counted, or we'd have gotten one up, and we'd have a greater number of signatures. One other point: People for a Golden Gate National Recreation Area is by no means the only organization to favor no road. The Great Highway Neighborhood Association favors no road, and has done so since the matter has been in issue.

"We (and this means all the neighborhood groups) would like to know from experience what happens to our neighborhood

and other streets when the Upper Great Highway is closed between Skyline and Lincoln for an extended (minimum 90 consecutive days) time. But evidently we have to decide, now, on guesswork rather than knowledge.

"So we choose recreation over roads, public transit over private autos, and people over cars."

Zenta Bruton, 4033 Lincoln Way, remarked that Mr. Painter's proposed alignment for the Upper Great Highway would bring the roadway closer to the soccer field in Golden Gate Park; and, if the roadway were constructed as proposed, she expected that the balls from the soccer field would get into the roadway.

Harold Sellman, 1675 - 48th Avenue, expressed the opinion that erosion at Ocean Beach could not be controlled if the Upper Great Highway is reconstructed and if provision is made for parking along the beach.

George Duesdieker, 1850 - 39th Avenue, stated that he did not have many qualms about Mr. Painter's proposal for widening the beach; and he did not object to the proposed profile of the roadway. However, he felt that Mr. Painter's references to a four-lane roadway as a "recreational road" represented a contradiction in terms. He believed that the Recreation and Park Commission and the City Planning Commission should recommend to the Board of Supervisors that some provision should be made for a roadway along Ocean Beach; however, he believed that the roadway of the Upper Great Highway should be closed during the construction period to facilitate the construction process and to provide an opportunity to study what the results of closing the roadway would be.

James A. Schroeder, 4645 Balboa Avenue, stated that he was concerned about the money which the proposed project would cost. Although the claim had been made that the Federal Government would pick up the tab, thus easing the burden on local taxpayers, he emphasized that Federal money does not come from a magic printing press. Furthermore, he understood that Federal money would be available for construction only as far south as Sloat Boulevard. He noted that the Recreation and Park Commission had formally adopted two separate resolutions relating to property south of Sloat Boulevard. One of the resolutions had given the property to the San Francisco Zoological Society for expansion of the Zoo; and a subsequent resolution had made the land available for construction of the southwest sewage treatment plant. He remarked that it is not possible to put two things in one place; and he felt that the Recreation and Park Commission should make a final decision as to how the property is to be used. When that decision is finally made, he hoped to have an opportunity to comment on it.

William R. Wilson, President of the Taraval-Parkside Merchants Association, Inc., read and submitted a letter which read as follows:

"The Taraval-Parkside Merchants Association in its letter of June 27, 1977 to the Wastewater Management (copy included) has previously expressed its views on the alternatives for the Great Highway. Members of the Association have attended the public meetings concerning these plans. However, the Redesign Plan which we received on September 2, 1977 included proposals that were not fully discussed at these meetings. There are proposals in the Plan which we find highly unsatisfactory. First of all, the proposal for three intersections with the Great Highway at Taraval, Noriega and Judah Streets poses serious problems for our neighborhood. The Redesign Plan itself states that on Taraval Street alone traffic could increase from the present level of 5000 cars per day to 16 per cent or even as much as 30 per cent (a possibility of 6600 cars per day.) This traffic increase seems inconsistent with City transportation policies. Presently Municipal Railway is retracking Taraval and Judah Streets in the hopes of reducing traffic. This increase in traffic will interfere with Muni efficiency and safety. Taraval is already experiencing traffic congestion particularly in business areas and any increased traffic could possibly overflow into residential areas.

"Secondly we find the proposal to cul de sac lower Great Highway may have a dangerous impact on neighboring residential streets. The report states that out of the 4700 car per day flow presently on Lower Great Highway, 700-1400 cars will be diverted to 47th and 48th Avenues and 250 cars will remain on the Lower Great Highway. Further the report does not explain what will happen to the remaining 3000 cars per day that presently use that street. I fear that those autos also may end up in our residential area. Also the term cul de sac seems to be merely a euphemism for barriers, which will close the Lower Great Highway at Sloat Blvd., Taraval, Noriega, Judah and Lincoln Blvd. With the Richmond experience behind us we question the wisdom of this proposal. Both the plans for the so called 'cul de sacs' and the intersecting of Great Highway are included in all three of the alternatives. We feel that these aspects should be considered only as alternatives themselves and not as absolutes in the redesign. It would seem that further study is needed with regard to these proposals.

"Finally the recommendation to close the Great Highway south at Sloat Blvd to Skyline Blvd would again add more traffic to other neighborhood streets. The report states that an additional traffic flow would result on 41st, 47th, 48th, Sunset Blvd and 19th Avenue. The cumulative effect of each of these proposals seems to create traffic congestion on other parkside-Sunset streets. We find this to be a dangerous alternative.

"The Taraval-Parkside Merchants Association find the landscaping aspects of the plan to be of great value; however, the traffic recommendations as noted above are unacceptable. The four lane alternative for the Great Highway would be acceptable without the three additional intersections and with the connection from Sloat Blvd to Skyline Blvd left open. Also Lower Great Highway should not be closed by barriers at Sloat Blvd, Taraval, Noriega, Judah and Lincoln Blvd. But we do agree that further study should be done to find an alternative to relieve the traffic flow on Lower Great Highway without increased traffic on adjacent residential streets."

Sheraton Priceurt, a resident of Napa, suggested that the City and County of San Francisco and the Golden Gate National Recreation Area should jointly undertake a study to redesign the Upper Great Highway so that it would serve as a buffer to protect inland areas from the shifting sands of the beach. He remarked that the city of Venice in Italy had found a means of forcing people to park their automobiles in a garage and using an alternate means of transportation into the city; and he noted that tourists use the cable cars to get to Fisherman's Wharf in San Francisco. In the same vein, he felt that the City should consider building a garage on the former Playland At The Beach site and provide an alternate means of transportation for those wishing to visit Ocean Beach itself.

Amy Williams, 1806 Great Highway, indicated that she lives at the corner of Moriega Street and the Great Highway; and she advised the Commission that she has a beautiful view of the Ocean and the sand dunes on the beach. She felt that Mr. Painter's proposal to extend the beach by 200 feet would destroy her view. She hoped that the sand dunes would not be removed. She remarked that people go to the beach to reflect. The only sound that can be heard at the beach is the sound of the ocean; and it is easy to forget that there is a city behind the beach. A bridle path is presently located on the east side of the Upper Great Highway; and the bridle path plays an important role in buffering traffic noise from the adjacent houses. In addition, the bridle path protects the privacy of people living in those houses by making it impossible for motorists on the Upper Great Highway to look into their windows. The plans prepared by Mr. Painter

would relocate the bridle path to the western side of the Upper Great Highway; and she felt that that would be a mistake. Whatever plans are finally adopted for reconstruction of the Upper Great Highway, she hoped that her neighborhood would be improved. She regretted that Playland At The Beach had been torn down because she felt that it would have been a money-maker for the city; and she indicated that she would regret to have Fleishhacker pool removed.

Pearl B. Allie, 1863 - 41st Avenue, stated that she loves open space; however, she pointed out that San Francisco is a metropolitan city. She remarked that the main task of traffic engineers is to ease the flow of traffic; and, in that light, she felt that it would be foolish for the city to eliminate completely a major arterial from the western edge of the city. She observed that the Upper Great Highway would not have to be replaced in its present form; and she suggested that it might be redesigned along the lines of Sunset Boulevard. Regardless of what design is chosen, she felt that the objective of the city should be to keep traffic moving without impacting any particular street.

R. Van Wambeke, 1918 - 44th Avenue, remarked that the original Great Highway had been designed by John McLaren, who had relied on natural forces for his design; and he noted that the roadway had existed for more than 30 years with a very low maintenance record. He suggested that the city should have more engineers like Mr. McLaren.

Robert Bacci, 5244 Geary Boulevard, stated that merchants on Geary Boulevard depend on the accessibility which the Great Highway provides to their businesses. He remarked that the Upper Great Highway carries a great deal of traffic; and it did not seem logical to him to re-route that traffic to 19th Avenue or Sunset Boulevard. If the traffic were diverted to Sunset Boulevard, he felt that many motorists might continue their trips through Golden Gate Park. He indicated that he had submitted 45 letters and a petition with 82 signatures in support of retaining the Upper Great Highway as a four-lane road.

Jesse Tepper, a candidate for Supervisor in District 11, remarked that very few people in the community have a great deal of confidence in Mr. Sklar or Mr. Painter; and he remarked that the Wastewater Management Program had entered its contract with Mr. Painter with very little public input. In his opinion, the one possible advantage of constructing the new sewer system would be to provide an opportunity to redesign Ocean Beach in a natural way. He remarked that construction of a new four-lane roadway would not meet that objective; and the basic purpose of such a roadway would be to serve commuters. The other alternative would be to eliminate the roadway;

and he regarded that as a more sensible alternative. If a new four-lane roadway were constructed, it would have to be maintained by the Recreation and Park Department and the Department of Public Works and patrolled by the Police Department. Yet, no parks in San Francisco, with the exception of Golden Gate Park, are well maintained; streets throughout the city are in ill-repair; and police protection is not adequate. Furthermore, he remarked that installation of stop signs would not prevent the new roadway from becoming a drag strip; they would merely create shorter lengths of drag strips. He felt that the City Planning Commission had let the community down by certifying the Environmental Impact Report for the Westside Sewer Project without further public input; and he believed that the Recreation and Park Commission, also, has not been as responsive to the public as it should have been. However, he hoped that both Commissions would give serious consideration to the concept of eliminating the Upper Great Highway roadway as the area is restored following completion of the sewer project.

President Rosenblatt thanked members of the audience for attending the meeting and expressed his appreciation to representatives of the press who had publicized the meeting. He announced that the joint public hearing would be continued to an evening meeting; and he indicated that the continuation of the hearing would tentatively be scheduled on Thursday evening, September 29.

The meeting was adjourned at 3:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 22, 1977.

The City Planning Commission met pursuant to notice on Thursday, September 22, 1977, at 2:15 p.m. in Room 232, City Hall.

PRESENT: Ina F. Dearman, Vice-President; Susan J. Bierman, George Carey, Virgil Elliott, Yoshio Nakashima, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, President of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Marshall Kilduff represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meetings of July 14 and August 11, 1977, be approved as submitted and that the minutes of the meeting of August 4, 1977, be approved with one correction.

CURRENT MATTERS

Vice-President Dearman introduced Yoshio Nakashima who had been sworn in as a member of the City Planning Commission by Mayor Moscone earlier in the afternoon.

It was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7803 be adopted to authorize the Director of Planning to attend the annual conference of the American Institute of Planners in Kansas City, Missouri, from October 8 through October 12.

Rai Y. Okamoto, Director of Planning, reminded the Commission of the meetings scheduled for next Thursday, September 29, as follows

- a. 11:30 a.m. - Budget and Personnel Committee (Commissioners Rosenblatt, Dearman)
- b. 12:30 p.m. - Commission Field Trip to properties to be considered during October.
- c. 2:15 p.m. - Regular Meeting of Commission.
- d. 7:30 p.m. - Special joint meeting with the Recreation and Park Commission to consider design alternatives for reconstruction of the Upper Great Highway.

The Director reported that items relating to the Ralph K. Davies Medical Center will not be considered on October 13 as previously reported. The items have tentatively been rescheduled for consideration on November 10. On October 13 the Commission will be considering the Jewish Welfare Federation's proposal for a housing project for the elderly on a major portion of the block bounded by California, Walnut, and Sacramento Streets and Presidio Avenue.

At this point in the proceedings, Commissioner Elliott arrived in the Meeting Room and assumed his seat at the Commission Table.

The Director reported that the Board of Permit Appeals is considering an appeal of the variance granted by the Zoning Administrator for the Northeast Medical Services (NEMS) office building conversion at 1520 Stockton Street.

The Director indicated that he had been requested to transmit a letter to the Port Commission outlining the limitations imposed by the Department of City Planning and the City Planning Commission on future use of property at Jefferson and Taylor Streets which is being considered as the location for a new cable car turn-around. Using this information, the City's Director of Property will make an appraisal of the value of the property.

The Director informed the Commission that the Board of Supervisors meeting on Monday, had rescinded certain conditions established by the Commission in its approval of the Golden Gateway North project.

Commissioner Starbuck reported that the Director of the Police Fishing Program had asked him to thank the Commission for approving a temporary parking lot on Pier 41 which has donated some of its proceeds to the fishing program.

SEPTEMBER 22, 1977

- DR77.43 - SOUTHEAST CORNER OF HYDE AND CHESTNUT STREETS. DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A FOUR-FAMILY DWELLING WITH SIX OFF-STREET PARKING SPACES ON A LOT OF 5,950 SQUARE FEET; IN AN R-5 AND PROPOSED RH-3 USE AND A 40-X HEIGHT AND BULK DISTRICT. (EXEMPT FROM ENVIRONMENTAL EVALUATION) (POSTPONED FROM MEETING OF AUGUST 4, 1977)

Harvey Fried, Attorney for residents of the subject neighborhood stated that he and his clients had been meeting with the applicant and his architect to discuss the proposed project. The meetings had been fruitful; and he believed that they were close to agreement. However, they were still working out the final details of the agreement; and he hoped that the Commission would be willing to postpone consideration of the application until October 6.

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that this matter be further postponed until the meeting of October 6, 1977, at 4:00 p.m.

At 2:50 p.m. Vice-President Dearman announced a ten-minute recess. The Commission reconvened at 3:00 p.m. and proceeded with hearing of the remainder of the Agenda.

- CU77.46 - 1516-18-20 DOLORES STREET, WEST LINE, 76.5 FEET SOUTH OF 28th STREET. REQUEST FOR AUTHORIZATION FOR A COMMUNITY RESIDENTIAL PROGRAM FOR 30 ADULTS WITH 24-HOUR SUPERVISION IN AN EXISTING 3-FLAT BUILDING TO BE OPERATED BY CENTRO DE CAMBIO, A COMMUNITY REFERRAL PROGRAM, IN AN R-3 AND PROPOSED RH-2 DISTRICT. (EE77.235) (CONTINUED FROM MEETING OF SEPTEMBER 1, 1977)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), remarked that this matter had been continued from the meeting of September 1 to allow applicants to meet with residents of the subject neighborhood to determine whether the concerns expressed by residents of the neighborhood about the proposed facility during the meeting of September 1 could be resolved. He noted that the Director of Planning had previously indicated that he would be prepared to recommend approval of the application if the number of patients in the proposed facility were to be reduced to 15 or 16 individuals; however, because he felt that 30 patients would be too many for the building, he had indicated that it would be prepared to recommend disapproval of the application if the applicant were unwilling to reduce the proposed number of

patients. Mr. Steele indicated that the Commission had received a resolution from the Mission Planning Council during the interim which read as follows:

"WHEREAS Mission Planning Council has supported the concept of residential treatment centers, has worked with residents to try to determine the best conditions under which these houses should function or be located, and

"WHEREAS the proliferation of institutional uses results in reduction of much needed family housing, and

"WHEREAS the cost of housing and speculation is increased by such institutional uses because they can pay more rent than most people, and

"WHEREAS it is a known fact that there are many social problems that people must deal with, such as alcoholism, drug abuse, mental illness, family strife, and

"WHEREAS it is also true that there are certain problems which are becoming more prevalent, such as child abuse, and single parent needs for housing, and

"WHEREAS it is necessary to the health, safety and well being of every resident of San Francisco to have available those services which will best serve the people by most effectively addressing the problem with solution and by being readily available, and

"WHEREAS residential and rehabilitation treatment centers in neighborhoods are becoming more and more the popular means for supplying some needed social care, such as for drug abuse, emotional problems and alcoholism,

"BE IT THEREFORE RESOLVED that the MISSION PLANNING COUNCIL request of the Planning Commission that there be a moratorium on the approval of all permits for any kind of residential treatment program until a study or survey is made to determine just where the present rehabilitation houses are, and where the greatest needs are in the various neighborhoods, and until such time as proper evaluation of these houses is made as to their effectiveness, and

SEPTEMBER 22, 1977

"BE IT FURTHER RESOLVED that the Planning Commission instruct its Director to meet with the Directors of Health and Mental Health, and who ever else would be appropriate, to set up as soon as possible the Task Force to make the study and survey, in order to bring in a recommendation, including proper evaluation and monitoring procedures for these institutions and,

"BE IT FINALLY RESOLVED that this study and survey include all the possible participation of the actual residents and neighbors in the various communities, in order to help to educate people as to services available but to determine also the reasons why certain treatment centers should or should not be considered for certain localities."

Commissioner Bierman indicated that she felt that the information which would result from the type of survey proposed by the Mission Planning Council would be helpful to members of the Commission, also; and she hoped the staff would undertake such a survey. However, she believed that the Commission had an obligation to make a decision on the pending application; and she stated that she would be very uncomfortable if the Commission were to establish a moratorium on consideration of such applications.

Rai Y. Okamoto, Director of Planning, indicated that the proposed survey would constitute a major work program item for the Department of City Planning. He stated that he was not prepared to provide the Commission with an estimate of the amount of time which would be required for the survey; however, the project could be incorporated into the department's new work program.

Vice-President Dearman remarked that it was the consensus of the Commission that the staff should include the requested survey in its work program.

Dan Silva, Executive Director of Centro de Cambio, advised the Commission that the San Francisco Coordinating Council on Drug Abuse, whose members are appointed by the Board of Supervisors, has responsibility for monitoring rehabilitation treatment centers dealing with drug problems; and he questioned whether the Commission should become involved in an area over which another body has jurisdiction. He submitted 20 letters which had been addressed to the Commission in support of the subject application by community agencies in the Mission District; and he also submitted petitions which contained the signatures of approximately 132 individuals who supported the application, most of whom lived within a 300 foot radius of the subject site. He emphasized that the program which

would be operated in the proposed facility would be a drug-free program. Since residents of the subject neighborhood had expressed concern about traffic and parking problems, a decision had been made that no visitors would be allowed at the proposed facility. If visits were necessary, they would be scheduled at another facility operated by his group. Patients at the facility would not have automobiles. During weekends, patients of the facility would be involved in community activities; and, as a result, there would not be a great deal of activity at the subject site during weekends. Since the last meeting of the Commission, a meeting had been held at St. Paul's Church to discuss the proposed facility with residents of the neighborhood; and, in addition, the Centro de Cambio had held an open house for residents of the area. The principal objection expressed about the proposed facility related to the fact that thirty people would be housed in the subject building. He stated that he would be able to appreciate that concern if the people were going to dwell in the building under normal living conditions; however, the fact was that the three units in the building would be used as if they were a single unit. Furthermore, the individuals who would be enrolled in the program would come with the understanding that they would be living in a controlled setting. He emphasized that patients of the facility would have scheduled activities; and, as a result, they would not just lounge around the building. In conclusion, he stated that the facility would comply with all health and fire requirements.

Commissioner Starbuck inquired about the source of the Centro de Cambio's funding. Mr. Silva replied that funds for the program are obtained from the Federal Government through the State of California. He indicated that Gary Baysmore, representing the Division of Substance Abuse of the State Department of Health, was present in the audience to answer questions which might be raised regarding the funding of the program.

Commissioner Starbuck then asked who had made the decision that the proposed facility would be occupied by thirty patients and inquired if there are other treatment facilities in San Francisco which have an equal number of patients. Mr. Baysmore stated that he had made the decision that the proposed facility could accommodate thirty patients; and he indicated that there are facilities of a comparable size in San Francisco.

Commissioner Starbuck then asked if there was a possibility that the Centro de Cambio would lose the funding for the program if the number of patients were to be reduced below thirty. Mr. Baysmore replied that funding for the program is based on the number of patients being accommodated; and, as a result, if the number of patients in the proposed facility were to be reduced from thirty to twenty,

the Centro de Cambio would lose a substantial part of its funding. Since the program would involve certain fixed costs, reduction of the funding below a certain level would make it impossible to operate the program; and he indicated that he was not aware of any similar program which had been able to operate with less than 25 patients.

Commissioner Starbuck asked if other residential treatment centers in San Francisco with thirty patients are operating in buildings which have a square footage approximately equivalent to that of the subject building. Mr. Baysmore replied in the affirmative.

Vice-President Dearman remarked that a drug treatment center is located approximately two blocks from her home; and she indicated that some of her neighbors had been bothered by patients of that facility who spend much of their time ~~in the neighborhood~~. Under the circumstances, she wondered what patients in the proposed facility would do with their time. *gathered in front of the facility.*

Mr. Silva stated that the approach which would be taken by Centro de Cambio is somewhat different from that followed by Walden House. Individuals housed in the proposed facility would be free of drugs; and they would be attending school or participating in an apprenticeship program. On weekends they would be involved in community programs. As a result, most of the patients of the facility would be out of the building during daytime hours.

Vice-President Dearman asked if patients would be expelled from the Centro de Cambio's program if it is found that they have reverted to the use of drugs on a single occasion. Mr. Silva responded that he could not state absolutely that a patient would be expelled under such circumstances; however, since he would not want to endanger the effectiveness of the program for other patients, he expected that anyone reverting to the use of drugs would be transferred to another program.

Vice-President Dearman asked if patients of the facility would be allowed to have money. Mr. Silva replied that the money would be placed in a bank account for them.

Vice-President Dearman then asked what patients of the facility would be doing on weekends. Mr. Silva replied that the Mission District is a highly political area; and many activities are available. Patients of the proposed facility would be involved in community activities on weekends.

Vice-President asked where the patients in the program would come from. Mr. Silva replied that the Centro de Cambio operates detoxication program; and some of the patients would come from that program. Some of the patients would be "walk-ins"; and others would be referred from agencies. The program would be open to residents of the Mission District and to residents from other areas; however, he anticipated that the program would draw 90% of its patients from the Mission District.

Vice-President Dearman then remarked that she would be very concerned about what the patients would be doing on weekends if she were a next-door neighbor; and she felt that Mr. Silva's explanation of how visits would be handled was somewhat vague. Mr. Silva replied that the patients would be allowed to have visitors at the Centro de Cambio's 24th Street facility. He remarked that the Art Commission had recently purchased a building for the Mission Cultural Center; and he indicated that that center will have a great many activities. Individuals involved in the Centro de Cambio's program would participate in those activities and in other community activities on weekends.

The Director asked if the State has any flexibility in setting the amount of money to be awarded to a facility on a per patient basis. Mr. Baysmore replied in the negative, indicating that the funding schedule is set up on a nation wide basis.

Mr. Silva advised the Commission that the coroner's office maintains records of the zip code areas in which people live who have over-dosed on heroin; and, for the past seven years, the Mission District has had the highest incidence of such drug abuse casualties. He indicated that the Mission District has never had a rehabilitation program such as the one which was being proposed; and he felt that the program would be an asset for the neighborhood.

Jim Scannel, an employee of the San Francisco's Coroner's Office and President of the San Francisco Coordinating Council on Drug Abuse, advised the Commission that the San Francisco Coordinating Council on Drug Abuse serves as a technical advisory body to the Board of Supervisors and has responsibility for establishing priorities for Federally-funded drug treatment programs. He remarked that the Mission District has a high rate of drug addiction; and he emphasized that the problem was not being brought into the neighborhood by Centro de Cambio. The San Francisco Coordinating Council on Drug Abuse had given highest priority to the project proposed by the Centro de Cambio; however, if the Centro de Cambio had proposed to locate its facility on Sloat Boulevard, the council would not have approved the project.

Commissioner Starbuck, noting that the Commission had received a letter from the deputy county drug program coordinator which indicated that San Francisco has over thirty drug-related programs, asked if he were correct in his understanding that none of those programs are currently operating in the Mission District. Mr. Scannel replied in the affirmative.

Richard Savage, Deputy County Drug Program Coordinator, advised the Commission that it is the responsibility of the drug program coordinator's office to monitor, evaluate and coordinate drug-related programs in San Francisco. He indicated that he had submitted a letter to the Commission in support of the proposed project.

Nick F. Avtonomoff, Attorney for George Ayoub and George Parson, owners of properties in the subject block, submitted a petition which had been signed by residents of the area in opposition to the proposed project. While he indicated that his clients were sympathetic to the type of program being proposed, they did not feel that the use would be compatible with the residential character of the neighborhood. He stated that the Centro de Cambio had made no effort to contact members of the neighborhood to get their reaction before proceeding with the conversion of the subject building; and he advised the Commission that the Mission District already has at least eight facilities which deal with alcohol or drug problems. He felt that other neighborhoods of the city should carry their fair share of the burden. He remarked that the immediately surrounding neighborhood is residential in character; and a school exists on Church Street. While Father Dwyer of St. Pauls had provided space for a neighborhood meeting to discuss the proposed project, it was his understanding that Father Dwyer had taken no position with regard to the applicant's proposal to locate the use on the subject property. While Mr. Silva had indicated that patients of the facility would not have automobiles he pointed out that the facility would have a staff; and, in addition, doctors, social workers, and lawyers would have occasion to visit the facility. As many as 35 people might be on the site at any one time. He stated that the neighborhood had never experienced any health problems; and Mr. Ayoub had never been bothered by rats or mice until recently. When the Centro de Cambio had held an open house for residents of the neighborhood, it had appeared that some of the beds in the facility were already being utilized; and he questioned the integrity of an organization which would begin operation without having received the required authorization. He noted that the proposed program was experimental; and, as a result, the Centro de Cambio has no "track record" which could be evaluated by neighboring property owners.

Vice-President Dearman asked if Mr. Parson and Mr. Ayoub live in the subject neighborhood. Mr. Avtonomoff replied that Mr. Ayoub does not live in the neighborhood; however, some of his tenants had indicated that they would move out of his building if the proposed facility were to be approved. He stated that a family living across the street is already moving out of the neighborhood because of the Centro de Cambio; and he noted that it is the policy of the City Planning Commission to retain family housing for middle-income people in San Francisco.

Vice-President Dearman asked Mr. Avtonomoff if his clients would be opposed to any residential care facility in the subject building. Mr. Avtonomoff replied in the affirmative. However, if such a facility were to be approved, he felt that it should be for less than thirty people. If the Commission were inclined to approve the subject application, he felt that the Commission should make an on-site inspection of the building to determine how many people it can accommodate. While Mr. Silva had stated that residents of the facility would be drug-free, he felt that it was highly possible that people who have recently gone through the detoxification process could convert to the use of drugs; and he emphasized that the subject neighborhood is a residential area with families and children.

Mr. Ayoub stated that he was not opposed to the type of programs proposed by the Centro de Cambio; however, he felt that it should be located on a different site. He urged members of the Commission to visit the subject property before acting on the subject application.

Mr. Parson stated that most of the people living within a 300 foot radius of the subject site were opposed to the proposed use; and, as a result, he did not know who had signed the petitions for Mr. Silva in support of the subject application. He believed that it would be unhealthy to put thirty people in the subject building; and he expected that people would mingle in front of the building because of the overcrowded conditions inside. Since children pass the property on the way to and from school, he felt that it would be undesirable to have residents of the facility mingling in front of the building. If the number of patients were reduced to approximately 15, he felt that the facility might be able to operate on a reasonable basis; but he emphasized that the flats in the subject building are quite small.

Mr. Avtonomoff advised the Commission that the subject application was also opposed by the Mission Planning Council, the East and West of Castro Club, the Noe Valley Improvement Association, and the Noe Valley Business and Professional Association.

Jim Pastore, a resident within a 300 foot radius of the subject site, felt that the rehabilitation facility should be located at San Francisco General Hospital, Laguna Honda Hospital or some other City facility rather than in a residential neighborhood. He remarked that St. Pauls Church and School is located just one-half block from the subject property; and, as a result, hundreds of children pass the subject property every day. He felt that the proposed facility could have an adverse effect on those children. He was not aware of any rehabilitation facilities operating in St. Francis Wood or in the Marina District; and he indicated that he would not object to

having the proposed facility located on the subject property if similar facilities were located in those neighborhoods. The Mission District already has rehabilitation centers for dealing with alcohol and drug problems; then he indicated that he strongly objected to having another facility of that sort in the subject neighborhood.

Gordon Engler, owner of property at 1547 Dolores Street, stated that he was not so much opposed to the proposed use as he was bothered about the way that the applicants had handled the situation. The petitions which had been circulated by the applicants were confusing; and he believed that some of the individuals who had signed in support of the proposed project did not understand what they were signing. The Centro de Cambio moved into the subject building in June; however, residents of the neighborhood were not aware of how they intended to use the building until they received notices of the Commission's September 1 hearing on the matter. He believed that the building has code violations; and he did not feel that it would be possible for the facility to operate with a standard water allotment if the building were to be occupied by thirty people, plus staff. If exceptions are going to be made in the case of the Centro de Cambio, he felt that other property owners in the area should enjoy the same benefits. He indicated that he supported the proposed project; but he felt that fewer than thirty residents should be allowed in the building.

Fernando Vargas, an employee of the Mission Cultural Center, doubted that any of the residents of the neighborhood who were opposing the proposed project had ever opposed the issuance of permits for bars or liquor stores; yet, bars and liquor stores create alcoholics. He emphasized that the Centro de Cambio tries to deal with problems which already exist in the community; and he felt that people should be supportive of such organizations.

Mrs. DiGrazia, a mother of seven children, stated that she did not believe that residents of the subject neighborhood know what is going on in the community. She stated that she is a property owner; and she indicated that a senior center facility is located in her neighborhood. While she did not particularly like the presence of that facility, she indicated that she tried to accept it because elderly people are human beings like the rest of us.

Juanita Del Carlo, a representative of an employment agency funded by the Federal Government, stated that she owns property on Sanchez Street four blocks away from the subject site. She had purchased her property for \$23,000. Subsequently, ten organizations had moved into the neighborhood; yet, she felt that she would be able to sell her property today for \$80,000. Under the circumstances, she did not feel that property values in the subject neighborhood

would drop if the subject application were to be approved. She stated that she supported the subject application based on the applicant's testimony that the program would be a drug-free operation because she felt that such facilities are needed. If problems do develop, she noted that there are appropriate places for concerned residents of the neighborhood to register complaints. She stated that she had at one time been opposed to a proposal to locate a residential care facility for mental patients next door to her home; but now she is trying to find such a facility for her mother.

A resident of the building at 1530 Dolores Street, felt that the type of lives which had been led by the people who will be enrolled in the Centro de Cambio's Program did not make it easy to be optimistic about their behavior in the future. He felt that thirty people would be too many for the subject building to accomodate; and, if a fire were to break out in the building at night, he doubted that the people would be able to get out of the building. If the three units in the subject building were to be turned into a "flop house", such a use would be in violation of the Fire Code; and he did not understand how the Fire Department could approve the occupancy proposed by the Centro de Cambio. He stated that he would not be opposed to the operation if it were located in a building large enough to accomodate the contemplated program. More than 60% of the people who live in the subject neighborhood are retired; and 30% of the residents are widows. In recent weeks, there had been three muggings in the neighborhood; and, as a result, there is fear among the older residents of the area.

Commissioner Bierman asked if the applicants would be required to obtain approvals from the Fire Department. Mr. Steele replied in the affirmative.

Mr. Silva stated that the Fire Department had required that two fire extinguishers be installed on each floor of the building. That requirement had been satisfied; and he indicated that his organization would honor any other requirements which might be established by the Fire Department.

Mr. Parson stated that the subject building has no fire escapes, whereas his own building has two fire escapes.

A woman who lives on Valley Street indicated that there are thirteen widows in her block; and she stated they were opposed to the proposed use.

Commissioner Bierman stated that she appreciated the concern which had been expressed by residents of the subject neighborhood regarding the proposed facility; and she indicated that she would

not support a proposal to place people on dope, or a facility such as a county jail, in a residential neighborhood. However, rehabilitation programs have been housed in Pacific Heights, the Haight-Ashbury District, and on Potrero Hill; and those areas continue to be good neighborhoods. While she realized that it is going to be difficult for residents of the neighborhood to adjust to the proposed facility initially, she felt that the community has a responsibility to provide facilities for people who need help.

Mr. Avtonomoff, summing up his argument, stated that the Mission District is "super-saturated" with drug and alcohol rehabilitation centers; and he felt that the proposed facility should be located in another neighborhood. Furthermore, he believed that the subject building is too small to accomodate thirty people.

Mr. Silva advised the Commission that the State would allow the facility to operate at 90% of maximum occupancy; and he indicated that the facility would be operated at that level. He felt that residents of the neighborhood have a natural fear of change; but he felt they might be less reluctant to accept the proposed facility if they were to ponder a quotation from the Bible (Matthew 35, 25-40) on the subject of compassion which he then read. He emphasized that the purpose of his organization is to help the community; and he remarked that the residents of the proposed facility would be more likely to become involved in crimes if they were to be left on the streets. He stated that everyone is affected by the community's drug problem; and he stated that the proposed program would ultimately be successful only if it has the support of the community.

The Director remarked that he had recommended that the application be disapproved during the meeting of September 1 because of the number of occupants proposed for the building. However, having obtained further clarification of the applicant's proposal, he indicated that he was prepared to recommend approval of the application subject to conditions. He believed that there was a major overriding social purpose which would be fulfilled by the proposed facility, thus justifying the granting of conditional use authorization for the use. He remarked that there was abundant evidence of the need for such a facility in the Mission District; and the facility would not serve the needs of residents of that area if it were to be located in another neighborhood. He felt that the crowded situation within the building could be mitigated through proper management procedures; and he indicated that the conditions which he would propose for adoption by the Commission would give the Commission some control over that situation. Finally, he had not clearly understood whether the people in the proposed program would be on drugs or not; but he now understood that it would be a

drug-free program. Therefore, he recommended that the application be approved subject to the following conditions:

"1. That the building exterior and landscaping shall be maintained in a residential character, and in a neat and attractive manner.

"2. That no signs shall be displayed on the subject property.

"3. That said residential care facility is authorized for the care of not more than 30 residents at any time.

"4. That the applicant Centro de Cambio shall maintain an on-going liaison program with the residents of neighboring properties to resolve any problems that may arise and to enhance integration of the facility into the area.

"5. That the residents of this facility shall not be allowed to drive automobiles.

"6. That this authorization is for an initial period of one year after which the City Planning Commission may extend this authorization as it deems appropriate. The Department of City Planning shall review this matter in six months and after one year and shall report its findings to the City Planning Commission after each review."

It was moved by Commissioner Bierman, and seconded by Commissioner Nakashima that the application be approved subject to the conditions which had been recommended by the Director.

Commissioner Starbuck suggested that Condition No. 5 of the draft resolution should be amended to provide that residents of the facility should not receive visitors on the site. The modification was accepted by Commissioners Bierman and Nakashima.

Commissioner Starbuck then stated that it was his personal opinion that the density of the proposed project was too high; and, rather than risking possible jeopardy of the funding for the program at the end of a one year period, he felt that the status of the use should be reviewed at the end of a six-month period. Commissioner Carey indicated that he would support the amendment proposed by Commissioner Starbuck.

Commissioners Bierman and Nakashima indicated their willingness to modify their motion and second to incorporate a modification of Condition No. 4 to specify that the authorization would be granted for a one-year period but that the status of the operation would be reviewed in six months.

When the question was called, the Commission voted 5-1 to adopt the modified draft resolution as Resolution No. 7804 and to approve the application subject to the conditions which had been recommended by the Director, as amended. Commissioners Bierman, Carey, Elliott, Nakashima, and Starbuck voted "Aye"; Commissioner Dearman voted "No".

Commissioner Bierman encouraged the applicants to maintain a liaison with residents of the neighborhood.

CU77.48 (CU) - 2515 FILLMORE STREET, NORTHWEST CORNER OF JACKSON STREET.

DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION TO REPLACE AN EXISTING CHURCH BUILDING WITH A MULTI-PURPOSE/EDUCATIONAL BUILDING WITH 18,690 SQUARE FEET OF FLOOR AREA AND A HEIGHT OF 38 FEET; IN AN R-3 AND PROPOSED RH-2 USE AND A 40-X HEIGHT AND BULK DISTRICT. (EE77.224)

(CONTINUED FROM MEETING OF SEPTEMBER 1, 1977)

Commissioner Elliott stated that he is a member of the Calvary Presbyterian Church; and, as a result, he asked to be excused from participation from the Commission's deliberations on this matter. It was moved by Commissioner Starbuck, seconded by Commissioner Carey, and carried unanimously that Commissioner Elliott be permitted to abstain from the Commission's consideration of this matter.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reported that this matter had been continued from the meeting of September 1 to allow the Church's architects and concerned residents of the neighborhood to see if they could work out some of their differences. The Landmarks Preservation Advisory Board, meeting on the previous afternoon, had acted to initiate Landmark designation of both the Church building and the education building; and, as a result, the Church would need a Certificate of Appropriateness in order to proceed with the proposed project which would involve demolition of the education building. However, in initiating the designation of the education building, he believed that the Landmarks Preservation Advisory Board had been most concerned about the east facade of the building.

David Robinson, Architect for the Calvary Presbyterian Church, stated that he intended to address himself to the issues which had been raised during the meeting of September 1; and he indicated that he would refrain from discussing the Landmarks issue since that issue will be discussed at a subsequent meeting. He stated that he had met with neighboring property owners to discuss their concerns; and he indicated that a letter under date of September 16 had been sent to Mr. and Mrs. William Scoortis, 2407 Pacific Avenue, confirming the following proposals which had been made for solving their privacy problem with the proposed new building:

"1. The amount of glass on the third floor of the Commons Room has been reduced by approximately 33%.

"2. The third floor window on the north wall of the proposed Building (at your rear property line) will use translucent in lieu of clear glass.

"3. Calvary Church will construct a garden fence at its west property line approximately 22' in height. The lower portion of the fence (approximately 10') will be solid, the upper portion will be lattice in a checkerboard pattern. All exposed materials will be wood, stained, with an overall light color appearance.

"4. Calvary Church will assume responsibility for temporarily relocating your plant material, adjacent to the new garden fence, during construction. Plant material will be carefully removed, placed in temporary containers, stored on your property and replanted in accordance with best landscape practices. Particular attention will be given your fuschia.

"5. Roof parapets 5'-6" high will be set back 8' from western face of the proposed building.

"6. A temporary construction fence will be located on Calvary's property, contiguous to your property, between the time of demolition of the existing building and construction of the new garden fence. Construction will be phased to minimize the length of time necessary for the temporary fence."

Mr. Robinson stated that other residents of the neighborhood had complained about the parking problem in the area and had requested the church to lease at least 50 parking spaces. However, the church had taken the position that it is not responsible for the parking problem; and it felt that it could not afford to provide 50 lease parking spaces. However, the church was attempting to mitigate the parking problem by making arrangements for use of parking spaces available at schools, at the Pacific Medical Center, etc. A question had been raised as to whether the five-foot wide passageway to the north of the proposed building would be closed to the public; and the answer to that question was that access to the passageway would be blocked by a 12-foot high steel fence. Complaints had been made about the litter on the sidewalk in front of the church buildings. The litter is not generated by the church; but church personnel do police the area once a day. He believed that the proposed building might change wind conditions in the area and the litter problem may

not be as noticable in the future. He indicated that he had filed a copy of the letter which had been sent to Mr. and Mrs. Scoortis with the staff of the Department of City Planning; and he hoped that the Commission would be prepared to approve the subject application.

John Beckhan, 2321 Webster Street, noted that he had requested that this matter be continued from the Commission's meeting of September 1; and he indicated that he was very pleased with the responsiveness of the church and its architects to the concerns which had been expressed by residents of the neighborhood at the previous meeting. He stated that he was still concerned about the issue of parking, which is a continuing problem in the neighborhood; and he hoped that that problem could be resolved over time. Meanwhile, he hoped that the church would be able to proceed with its development program pending a determination as to whether the east facade of the existing building is to be preserved. He submitted two letters which had been prepared by residents of the neighborhood relating to the issue of parking.

Mrs. Scoortis, 2407 Pacific Avenue, confirmed that she was satisfied with the proposals made by the church's architects for protecting her privacy. However, if the east facade of the existing education building were to be preserved, the floor-to-ceiling heights in the proposed building might have to be altered; and the privacy issue might have to be dealt with again.

Commissioner Starbuck assured Mrs. Scoortis that she would have an opportunity to speak to that issue when the issue of the facade is before the Commission for consideration.

Mr. Robinson stated that a requirement for retention of the east facade of the existing building would result in a number of new design problems; and he indicated that the issue of Mrs. Scoortis' privacy would be dealt with again.

Mr. Steele recommended that the application be approved subject to the following four conditions:

- "1. Development shall be in general conformity to the plans marked 'Exhibit A' on file with the application at the Department of City Planning except as noted in conditions 2 and 3 below.

- "2. Final plans, including landscape plans, shall be developed in consultation with, and approved by the Department prior to the issuance of a building permit for the project; special attention shall be paid to possible modifications to the design of the east elevation of the building in order to achieve a facade which is complementary to the character of

existing development; and to the issue of privacy on the west side of the building.

"3. Said plans shall be modified to meet the provisions of the City Planning Code as to rear yard; open space and lot coverage, unless a variance from such provisions is granted by the Zoning Administrator.

"4. This authorization is contingent upon the receipt by Calvary Presbyterian Church of a Certificate of Appropriateness, if necessary, for the demolition of the existing Education Building and construction of the subject proposal."

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, remarked that the first condition recommended by Mr. Steele, specifying that development should be in general conformity with plans on file, might be interpreted to preclude retention of the east facade of the existing building. Mr. Steele recommended that the condition be amended to read as follows:

"Development shall be in conformity to the general concept of the plans marked 'Exhibit A' on file with the application at the Department of City Planning except as noted in conditions 2 and 3 below."

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that Resolution No. 7805 be adopted and that the application be approved subject to the conditions which had been recommended by Mr. Steele, as modified.

At this point in the proceedings, Commissioner Elliott returned to his seat at the Commission table.

DR77.56 - CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 7707950, 7707951 AND 7707952 FOR THREE SINGLE-FAMILY HOUSES AT 55, 75 AND 95 HOLYOKE STREET.

(CONTINUED FROM MEETING OF SEPTEMBER 8, 1977.)

Robert Passmore, Planner V (Zoning), indicated that this matter had been continued from the meeting of September 8 in order to enable the applicants to investigate the possibility of lowering the height of the proposed buildings and to meet with the owners of adjacent properties. He understood that the applicant's architect had been able to lower the height of the northernmost building by 2 feet, bringing the roof line of that building to a point one foot lower than the window-sill level of the existing building at 347 Campbell Avenue and 3 feet lower than the window-sill level of the existing

building at 343 Campbell Avenue. The Possibility of using a sewer easement through property to the south for a sewer hook-up on Teddy Avenue had been investigated; however, further excavation of the subject properties would result in soil disposal problems and would necessitate work on the retaining walls to the north. Mr. Passmore indicated that the staff of the Department of City Planning was satisfied with the revised plans; however, the staff had had no further meeting with the owners of properties to the north of the subject site and did not know their reaction to the planned changes.

Commissioner Bierman asked if the revised plans would improve the view situation from all three of the houses on Campbell Avenue which had been discussed during the meeting of September 8. Mr. Passmore replied that the roof of the northernmost of the proposed buildings would still be above the window-sill level of the building at 351 Campbell Avenue; however, since that house is located on a corner lot, it could have windows looking onto Holyoke Street. He indicated that the northernmost of the proposed buildings would have to be lowered 3 or 4 additional feet to avoid interfering with the view from the southern windows of the building at 351 Campbell Avenue.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the Commission indicate satisfaction with the compromise which had been effected by the applicant and his architect and that it deny the request for discretionary review of the subject building permit applications.

Mr. Chandler, owner of property at 343 Campbell Avenue, stated that he did not understand the method of measuring which had been used by the applicant's architect; and, as a result, did not know if the revisions which had been made in the plans would prevent the proposed buildings from interfering with the view from his home.

William Heijn, architect for the applicant, explained the measurements which he had taken on the subject site and advised the Commission that the measurements had indicated that the route of the northernmost of the proposed buildings would be 3 feet below the window-sill level of the house at 351 Campbell Avenue.

Mrs. Chandler remarked that the official newspaper advertisement announcing the Department of City Planning's issuance of a Negative Declaration for the proposed project had stated that the proposed dwellings would be only one story in height. Yet, the plans which had been filed indicated that the buildings would be two-stories in height.

Mr. Passmore stated that the term, "one-story house" means one residential floor above a garage level. After Mrs. Chandler had remarked that another project mentioned in the same advertisement had

been described as "single-family, one-story-over-garage", Mr. Passmore stated that the same wording should have been used for both projects. However, when the subject project was discussed during the Commission's meeting on September 8, the staff had made it quite clear that the proposed buildings would be two-story buildings with a height of twenty feet.

Mrs. Chandler stated that the builder has been working on the subject site at all hours of the day; and she indicated that he had made no effort to sprinkle the property to control dust.

Mr. Passmore stated that he was not aware of any controls over the hours during which contracting work may be done.

Joseph Azzolini, the applicant, stated that he does his own construction work; and he felt that he has a right to work ten or twenty hours a day if he so desires.

Mr. Passmore suggest that Mrs. Chandler might wish to contact the Public Health Department if noise is a problem since that department enforces the City's Noise Ordinance.

Vice-President Dearman requested the applicant to erect a twenty foot hole on his property so that adjacent property owners would be able to see how high the proposed buildings will be.

After further discussion, it was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the request for discretionary review of the subject building permit applications be denied.

Commissioner Carey, noting that the agenda had listed the addresses of the subject properties as 55, 75, and 95 Holyoke Street, stated that he believed that those numbers were in error since the numbering system on Holyoke Street begins at the north end of the street. Mr. Steele stated that the applications also contained the lot and block numbers of the subject properties.

When the question was called, the Commission voted unanimously to deny the request for discretionary review of the subject building permit applications.

DR77.57 - 3701 BUCHANAN STREET, NORTHWEST CORNER OF NORTH POINT STREET.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7707292 FOR THE RENOVATION OF AN EXISTING COMMERCIAL BUILDING FOR OFFICES, INCLUDING THE ADDITION OF NEW FLOOR AREA ON A SECOND FLOOR LEVEL WITHIN THE PRESENT STRUCTURE; IN A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the request for

discretionary review of the subject building permit application had been filed by the Marina Civic Improvement and Property Owner's Association, Inc. The letter requesting the discretionary review had indicated that the concerns of that association were that the proposed occupancy of the building would generate additional traffic and contribute to the parking problem in the neighborhood. Mr. Passmore stated that property fronting on North Point Street in the subject block is zoned for commercial use; and the commercial zoning extends to a depth of one hundred feet along Buchanan Street. The building occupying the subject property was originally constructed as a food market. The applicant proposed to convert the building for office use; and, in the process of conversion, an additional 1,100 square feet of floor area would be provided within the existing building shell. Following the conversion project, the building would contain four offices with entrances on both North Point Street and Buchanan Street. It was expected that 15 or 20 of the employees housed in the building would enter the building from North Point Street and that an equivalent number would enter the building from Buchanan Street. Between 10 and 30 visitors might be expected to enter the building on an average day. Mr. Passmore indicated that the applicant's architect had made a survey of the neighborhood on August 8. He had found that there are 131 curb spaces within one block of the subject property; and, at noon on the date of the survey, 50 of those spaces had been empty. In addition, there is a parking area for the Marina Boat Launch immediately north of the subject property; and that parking area has 122 parking spaces. The staff of the Department of City Planning had conducted a similar survey on September 20; and the results of that survey had been similar to the results of the survey conducted by the architect. The architect had met with concerned residents of the neighborhood on August 30 to discuss the project. The neighborhood representatives had requested that provision be made for placing the entrances to all of the offices in the building on Buchanan Street; but the project sponsors had been unwilling to revise their plans accordingly. Mr. Passmore stated that the City Planning Code would not require off-street parking for the proposed use; and he did not feel that the proposed use would create a significant parking problem in the area. Therefore, it was the recommendation of the staff of the Department of City Planning that the request for discretionary review be denied.

Commissioner Bierman observed that the Marina Civic Improvement and Property Owners Association, Inc. was not represented in the audience; and the staff of the Department of City Planning indicated that representatives of the association may not have been notified that this matter would be calendared for consideration. As a result, it was moved by Commissioner Bierman and seconded by Commissioner Elliott that the Commission's consideration of this matter be continued until the meeting of September 29.

Kirk Hillman, architect for the applicant, remarked that the proposed project had already been delayed; and, in view of the pressures which he faced, he hoped that the Commission would deny the request for discretionary review of the subject building permit application during the present meeting.

When the question was called, the Commission voted unanimously to continue its consideration of this matter to the meeting of September 29, 1977.

At 6:00 p.m. Vice-President Dearman announced a ten-minute recess. The Commission reconvened at 6:10 p.m. and proceeded with hearing of the remainder of the agenda.

PUBLIC HEARING ON A DRAFT RESOLUTION SUGGESTING ALTERNATIVE DESIGNS AND ALTERNATIVE USES FOR THE PROPOSED PERFORMING ARTS CENTER GARAGE STRUCTURE ON GROVE STREET BETWEEN FRANKLIN AND GOUGH STREETS.

Commissioner Starbuck stated that he realized that the City Planning Commission's jurisdiction over the Performing Arts Center Garage is extremely limited; however, he felt that the Commission could at least encourage a continuing dialogue on issues of concern related to the proposed structure. Therefore, he requested the Commission to consider adoption of a draft resolution which read as follows:

"WHEREAS, The City of San Francisco continues to experience a severe shortage of low and moderate income rental housing; and

"WHEREAS, Available and appropriate land sites for new housing development are in short supply and Federal programs for subsidizing construction and/or rental payments are either dormant or underfunded and in some cases such programs have become the responsibility of local government; and

"WHEREAS, As a consequence, it has become increasingly important to focus on residential building rehabilitation rather than new construction; and

"WHEREAS, The site of the proposed parking garage for the Performing Arts Center contains three vacant apartment buildings containing approximately 70 units and a large industrial-warehouse building currently occupied and maintained by a non-profit foundation; and

"WHEREAS, The Redevelopment Agency proposes to demolish these buildings to permit construction of the proposed garage; and

"WHEREAS, The proposed building plans for the parking garage do not include multiple or combined uses for the structure, but are limited to a parking use; and

"WHEREAS, Because of the location of the parking structure, namely, adjacent to the Civic Center District of San Francisco, as well as the existing uses on the proposed garage site, it appears appropriate for all responsible agencies to study alternative structural designs and alternative siting arrangements with the objective of maximizing conformity with all elements of the Comprehensive Plan of the City and County of San Francisco,

"NOW THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission respectfully urges that the San Francisco Parking Authority, the San Francisco Redevelopment Agency and the San Francisco Art Commission jointly investigate the feasibility of the retention of housing existing on the site, the retention of the warehouse building and the incorporation of ground-level retail institutional, or governmental uses in the garage structure."

Paul Hardman, Chairman of the Board of the Pride Foundation, stated that his organization occupies a building at 330 Grove Street which would be replaced by the Performing Arts Garage structure; and he urged the Commission to adopt the draft resolution which had been introduced by Commissioner Starbuck. He stated that the building at 330 Grove Street is 72 feet wide and 138½ feet long with brick walls 18 inches thick and 21-foot high ceilings. The building has been used as a theater and as a community center since 1954; and it was acquired by the Redevelopment Agency in 1967. He remarked that the Environmental Impact Report for the Performing Arts Center Garage indicated that the Redevelopment Agency had made an analysis of the costs which would be involved in converting the building to 20 residential units and had found that such a conversion would cost \$819,000. He felt that such an exercise was ridiculous since the building is a warehouse and would not lend itself to conversion for residential use. He indicated that the building has an enormous amount of space; and he stated that it conforms with all current code standards. The type of activities offered within the building include a senior citizen program, a program for gay teen-agers, a job placement bureau, a narcotics anonymous program, an alcoholic anonymous program, free legal assistance, meetings of ethnic groups; and, unless the building is preserved, his organization would no longer be able to provide such free services. The Performing Arts Center Garage would also result in the demolition of residential buildings which are still livable; and he felt that Federal funds should be sought

to renovate those buildings to provide housing for the elderly. He remarked that the Master Plan designates the properties in question for use for cultural activities; and he emphasized that a parking garage could not be defined as a cultural activity. He felt that a more appropriate site for the Performing Arts Center Garage would be at the opposite end of the block; and he suggested that further consideration should be given to the possibility of providing shuttle service between the 5th and Mission Garage and the new Performing Arts Center and shelving the plans for the Performing Arts Center Garage.

Margaret Brady, Director of the San Francisco Parking Authority, remarked that the City Planning Commission had already certified the Environmental Impact Report for the Performing Arts Center Garage and had approved a Master Plan referral on the project; and, through discussions with representatives of the City Attorney's office, she had understood that the Redevelopment Agency has a mandate to follow through on what has been approved by the responsible city agencies. She suggested that the Commission should check with the City Attorney's office regarding its jurisdiction in the matter at this point in time.

Commissioner Bierman asked for the advice of the Director of Planning on the issue of the Commission's jurisdiction. Rai Y. Okamoto, Director of Planning, observed that he is not a legal expert. However, even though the Commission may no longer have a specific jurisdiction over the Performing Arts Center Garage, he did not feel that it would be improper for the Commission to encourage a continuing dialogue concerning the issues posed by the proposed project.

Commissioner Bierman stated that she had always been concerned about the loss of the apartment buildings which presently occupy a portion of the site of the proposed Performing Arts Center Garage; and she felt that a continuing discussion of that issue might be worthwhile. In spite of the fact that she recognized that the Commission had little or no jurisdiction in the matter, she indicated that she would support adoption of a draft resolution which had been introduced by Commissioner Starbuck.

Earl Moss, President of the Victorian Alliance, stated that he understood that the building occupied by the Pride Foundation, although plastered at the present time, was designed to match a privately-owned building on the corner. If the plaster were removed, the neighborhood would have an extremely handsome building complex. He indicated that he supported adoption of the draft resolution which had been introduced by Commissioner Starbuck.

It was then moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be adopted.

Commissioner Elliott stated that he could think of instances in which he would have voted differently if he had been given a second opportunity. However, once the Commission has taken a vote on a particular matter, he felt that it should not continue to engage in a conflict with other city agencies. As a result, he intended to vote against adoption of the draft resolution.

Commissioner Carey, who serves as an alternate for John Wentz, Manager of Public Utilities, stated that Mr. Wentz had attended the meeting at which the Commission voted on the Performing Arts Center Garage issue. However, since the Commission had acted, he felt that it should let the matter rest.

Commissioner Nakashima stated that he was sympathetic to the objectives expressed in the draft resolution; however, if action had already been taken on the proposed project by the responsible city agencies, he was inclined to agree with Commissioners Elliott and Carey that it would be inappropriate for the Commission to adopt the draft resolution.

Vice-President Dearman indicated that she intended to vote for the adoption of a draft resolution since she felt that it would be desirable for the Commission to be on record with such a statement in case the Performing Arts Center Garage program does not move forward.

When the question was called, Commissioners Bierman, Dearman, and Starbuck voted "Aye"; Commissioners Carey, Elliott, and Nakashima voted "No". Therefore, in accordance with the rules and regulations of the City Planning Commission which provide that "a tie vote on any matter before the Commission shall be deemed to be a disapproval thereof", the proposal to adopt the draft resolution was disapproved.

PUBLIC HEARING ON A DRAFT RESOLUTION SUGGESTING ALTERNATIVE DESIGNS AND ALTERNATIVE LAND USES FOR THE PROPOSED HASTINGS COLLEGE OF THE LAW EXPANSION PROJECT IN THE BLOCK BOUNDED BY LARKIN, McALLISTER AND HYDE STREETS AND GOLDEN GATE AVENUE.

Commissioner Starbuck requested the Commission to consider the adoption of a draft resolution which read as follows:

"WHEREAS, Hastings College of the Law has announced plans to construct two large buildings, an Academic Facility and a Community Legal Affairs Facility, on that square block bounded by Hyde, Golden Gate, Larkin and McAllister Streets in San Francisco; and

"WHEREAS, The proposed expansion plan will result in the demolition of 136 rooms in three hotels and 85 apartments in two apartment buildings presently located on the expansion

project site and occupied primarily by low-income, elderly and disable persons; and

"WHEREAS, The expansion plan will result in displacement of the Civic Center District Social Security office facility which currently serves 300-600 elderly and handicapped persons daily, or 60 percent of the Social Security recipients in San Francisco, including 10,000 recipients from the Tenderloin area; and

"WHEREAS, The expansion plan will result in displacement of several small retail businesses presently serving residents of the Tenderloin area; and

"WHEREAS, Because Hastings College of the Law has not filed an Institutional Master Plan as required by Section 304.5 of the City Planning Code, members of the several public have not been afforded an opportunity to participate in the critical public hearing process attendant to the Institutional Master Plan procedure; and

"WHEREAS, The aforementioned short and long-term social, economic and cultural impacts of the expansion plan are both substantive and significant in terms of land use alternatives for the project site; and

"WHEREAS, Appropriate land use planning for the project site preferably should reflect a balance between the social and housing needs of the residents of the impacted community, and the institutional needs of Hastings College; and

"WHEREAS, Recent demographic studies of the Tenderloin District indicate an unusually high percentage of low-income and elderly residents, including 34 percent whose annual income is less than \$5,000; and

"WHEREAS, The housing shortage in San Francisco will make it increasingly difficult for displaced low- and moderate-income households to find satisfactory housing, especially in areas of the City outside the Tenderloin District due to rapid cost appreciation of housing in other areas; and

"WHEREAS, The proposed institutional expansion will contravene Objective 3, and its underlying policies, of the Residence Element of the Comprehensive Plan of the City and County of San Francisco which objective encourages providing the maximum choice of housing for low- and moderate-income individuals and household and

"WHEREAS, The City Planning Commission recognizes, and applauds, both the modifications to the original expansion plans made by Hastings College in response to community requests including the reduction of parking and elimination of a plaza, and the mitigation measures announced by the College, such as a housing relocation program; and

"WHEREAS, Further study of design plans for the project site may result in further amelioration of the potential economic and cultural impacts engendered by the proposed expansion plans;

"NOW THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission respectfully urges Hastings College of the Law not to finalize building plans until such time as it can be demonstrated that alternative land use concepts, such as alternative site plans, alternative building design configurations, and multiple use designs incorporating institutional, governmental, residential and commercial uses on the project site, are neither economically feasible nor desirable in terms of the institutional needs of Hastings College."

The Secretary called attention to a letter which had been received from Marvin Anderson, Dean of the Hastings College of the Law, which commented on the draft resolution and requested that consideration of the draft resolution be postponed by the Commission.

Vice-President Dearman asked if the Hastings College of the Law is required to submit a Master Plan to the Department of City Planning. Robert Passmore, Planner V (Zoning), stated that the Institutional Master Plan Ordinance does require institutions such as the college to file master plans with the Department of City Planning; however, since the college is a State agency, it is not bound to comply with local ordinances. Nevertheless, he indicated that it was his understanding that the college is preparing a master plan.

David Conception, representing Dean Anderson, reiterated the Dean's request for postponing consideration of the draft resolution. He felt that the Commission should be brought up-to-date concerning some of the information contained in the "whereas" clauses of the draft resolution; and, if the Commission intended to adopt a resolution of any sort, he hoped that the Commission could be persuaded to adopt a resolution which would be more supportive of the college's objectives. He indicated that the college would require at least two weeks to prepare its presentation.

Commissioner Starbuck remarked that the information contained in the "whereas" clauses of the draft resolution had been obtained from the Environmental Impact Report for the expansion project; and, if that information is not correct, he felt that the Environmental Impact Report should be updated since it is intended to be an informative document.

A representative of the Neighborhood Legal Assistance Foundation stated that her organization represents tenants in the block bounded by Larkin, McAllister, and Hyde Streets and Golden Gate Avenue; and she indicated that they would like to be involved in any discussions between the staff of the Department of City Planning and Hastings College of the Law concerning the college's proposed expansion project.

After further discussion, it was moved by Commissioner Elliott, seconded by Commissioner Starbuck, and carried unanimously that consideration of the draft resolution be continued indefinitely.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

DOCUMENTS

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12/1/77

-SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, September 29, 1977.

The City Planning Commission met pursuant to notice on Thursday, September 29, 1977, at 12:30 p.m. at 100 Larkin Street.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Commissioner John Wentz, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Nathaniel Taylor, Planner III; Audrey Owen, Staff Assistant IV; Douglas Holmen, Planner II; Jeremy Kotas, Planner II; Floyd Engle, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Ralph Craib represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:30 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 12:30 p.m. to take a field trip to properties to be considered during October.

2:15 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Nakashima, and carried unanimously that the minutes of the meeting of August 18, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Board of Permit Appeals, meeting on the previous evening, had overruled the Zoning Administrator's approval of a permit for the demolition of the Straight Theater at 1702 Haight Street and had remanded the

matter back to the Department of City Planning for further consideration. The Board also acted to sustain the Zoning Administrator's granting of a variance for the North East Medical Services Facility at 1520 Stockton Street.

The Director reported that he and other city officials had met with the regional representative of the Secretary of Commerce and had been advised that the Department of Commerce is interested in providing San Francisco with various kinds of technical assistance to improve the economic climate of the city.

The Director advised the Commission that he had been asked by Supervisor Feinstein to serve on a committee which will address itself to the issue of retaining middle-income families in the city. The first meeting of the committee will be held next Monday.

The Director announced that a workshop on the proposal for a Hayes Valley Rehabilitation Assistance Program will be held on Saturday, October 22, at 10:30 a.m. in the Conference Room at the San Francisco Museum of Art.

The Director announced that a public hearing to receive suggestions for the Department of City Planning's budget and work program for the next fiscal year will be scheduled during the Commission's meeting on October 20.

The Director reported that he had held the first of a series of meetings to review alternatives for reorganization of the Department of City Planning.

The Director informed the Commission that the San Francisco Forum will hold a workshop meeting on October 19 to discuss economic trends and unemployment in San Francisco.

Commissioner Starbuck, noting that the Bank of America had responded negatively when the Commission had recommended that it investigate the feasibility of establishing a shuttle bus commute service for its employees, advised the Commission that the San Francisco Examiner had carried an article on September 18 which commented on successful shuttle bus programs which have been implemented by employees of private firms and public institutions in San Francisco. He felt that it was particularly significant that the University of California Medical Center had agreed to handle dues with payroll deductions and that it had established an information center for commuters.

President Rosenblatt announced a reorganization of the Budget and Personnel Committee of the Commission. The new roster of

members of the Committee is as follows:

Commissioner Dearman, Chair
Commissioner Nakashima
Commissioner Rosenblatt.

R77.30 - REVOCABLE ENCROACHMENT PERMIT FOR LANDSCAPED PLAZA
ON WILLOW STREET BETWEEN GOUGH AND FRANKLIN STREETS.
(CONTINUED FROM MEETING OF JULY 28, 1977)

The Secretary called attention to a letter which had been received from Richard C. Young of William Schuppel and Associates, architects for the Sacred Heart High School, requesting that consideration of this matter be further continued for 60 days.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Nakashima, and carried unanimously that this matter be further continued until the Commission's meeting on November 17, 1977.

DR77.5' - 3701 BUCHANAN STREET, NORTHWEST CORNER OF NORTH
POINT STREET.
CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW
OF BUILDING PERMIT APPLICATION NO. 7707292 FOR
THE RENOVATION OF AN EXISTING COMMERCIAL BUILDING
FOR OFFICES, INCLUDING THE ADDITION OF NEW FLOOR
AREA ON A SECOND FLOOR LEVEL WITHIN THE PRESENT
STRUCTURE; IN A C-2 DISTRICT.
(CONTINUED FROM MEETING OF SEPTEMBER 22, 1977)

Robert Passmore, Planner V (Zoning), indicated that this matter had been discussed during the Commission's meeting on September 22; however, the matter had been continued to today's meeting because representatives of the Marina Civic Improvement and Property owners Association, Inc. who had requested the discretionary review had not been notified of the previous hearing. Since the previous meeting, he had discussed the matter with Miss Fusco of the Marina Civic Improvement and Property owners Association, Inc. and with other residents of the subject neighborhood. Concern had been expressed that the proposed office building would create parking problems in the area; however, the staff of the Department of City Planning had made a survey of parking available in the area and had found that there is a fair amount of on-street parking spaces available in the area during normal office hours. In addition, parking is available across the street in the parking lot of the Marina boat launching ramp. Concern had also been expressed about the fact that entrances would be provided to the new office space from North Point Street. He remarked that plans for the proposed project had been discussed with the Commission at last week's meeting; and he noted that the staff had recommended at that time that the request for discretionary review be denied.

Virginia Fusco read the following letter which had been prepared by Roy J. Scola, President of the Marina Civic Improvement and Property owners Association, Inc.:

"There are a number of buildings of this type in the Marina District, with frontage on a commercial street and extending into a residential street on corner properties. For many years this Association has opposed commercialism in this district for the simple reason of maintaining a high-level first-class residential area. We have opposed billboard signs, parking meters north of Chestnut and other encroachments of commercialism.

"We firmly believe there has been a misinterpretation of the zoning code in this instance inasmuch as the 100 ft. depth permits the use of a rear door for egress and ingress and for fire safety. A case in point is Jerry's Market at Chestnut and Mallorca Way- a market with a rear door for the same purpose.

"Along Chestnut St. to Divisadero there are a number of such buildings and if permits are granted for small shops or offices more auto traffic is invited. Unfortunately, during the last War there were no codes prohibiting conversion of garages into small stores and the one-for-one law was not in existence.

"When Safeway Stores opened in that area there were only two or three small stores on Buchanan and since then more have come into the area. Now Place Pigalle is vacant and what happens next? More small stores and offices will encourage more auto traffic in an area where parking is at a premium and the over-flow into the residential streets which will eventually downgrade property values. If you grant this permit more small stores or offices will be attracted to the area and you will be obliged to grant similar permits.

"It has been through your Department and other City departments that we have kept this type of encroachment out of our district. This is not compatible to the district and we are unalterably opposed to this application for business on North Point St. or any other residential street. You will be setting a precedent.

"We shall appreciate your kind consideration of our request."

Michael Janeff, 1616 North Point Street, read the following petition which had been signed by 38 residents of the neighborhood:

"In order to preserve the quality and character of our residential neighborhood, and to protect the same for future times, we - the undersigned residents of the immediate neighborhood, respectfully request that the City Planning Commission acting under its power of discretionary review impose the following safeguards and restrictions on this development:

- "1. No public entrance and no active frontage to be permitted on North Point Street, now or at any future time;
- "2. Use restrictions which would provide that:
 - a) the nature of activity on all premises will be basic use only.
 - b) office use and occupancy will be between the hours of 9 am and 5 pm only, and on weekdays only (no off-hour, weekend or nighttime activity).
 - c) the number of employees will be limited (no more than 20) and a limited number of visitors will be allowed during office hours.

"We feel very strongly that in the absence of the above specific and permanent restrictions the proposed development will have a very definite detrimental impact on our residential neighborhood.

"Here are the reasons:

- "1. Our neighborhood is already extremely overloaded by extensive commercial activity and heavy traffic and parking congestion, without any relief in sight. The Marina Safeway store alone with its attendant commercial and traffic activity, all week long and almost around the clock, places a heavy burden on our neighborhood. Besides, there are many commercial establishments along North Point (between Laguna and Buchanan), stores and restaurants on Buchanan, plus large apartment buildings along North Point and Webster in the same vicinity.
- "2. North Point from Buchanan west is a strictly residential street, in a predominantly residential neighborhood. All commercial activity and its attendant people and vehicle traffic (of which we already have aplenty) should be confined to Buchanan Street only (where it has been all along).

"3. Commercial and office developments, by their very nature, tend over the years to expand their use and operating functions which almost invariably have a detrimental impact upon the immediate residential neighborhood. In our case the developer started work at 3701 Buchanan without a City Permit. Moreover no effort was made by the developer to consult in advance neighborhood people. This is proof the developer's disrespect for law and his disregard for the neighborhood.

"Considering all the above, we the undersigned residents of this neighborhood request the Planning Commission to exercise its power of discretionary review and by resolution impose the above restrictions on this development and enter these restrictions into the Land Records."

Commissioner Bierman asked if she were correct in her understanding that conditions such as those which had been recommended by Mr. Janeff could be imposed only if the Commission were to grant the request for discretionary review. Mr. Passmore replied in the affirmative, indicating that the staff would have no authority to establish such conditions.

Kirk Hillman, architect for the proposed project, advised the Commission that the Building Code requires that two exits be available from the building. Furthermore, he felt each of the four offices to be located in the building should have a separate identifiable entrance. He indicated that he had attempted to redesign the facades of the building so that it would blend better with the residential character of the neighborhood; and, contrary to the statement contained in Mr. Scola's letter, he did not believe that there are a lot of similar buildings in the subject neighborhood which might be altered in the future if a precedent were to be established by approving the subject building permit application. He stated that the subject building had been constructed as a grocery store; and he indicated that it has enjoyed only marginal use over the years. While he was sympathetic with the desire of residents of the area to maintain a high-class residential district, he felt that the proposed office building would do more to upgrade the neighborhood than the alternative of allowing the building to remain in its present dilapidated state. He noted that the subject building is located in a small commercial zone which is totally surrounded by residentially-zoned property; and, since any new development in the area would have to meet the standards of the City Planning Code, he did not feel that the proposed project would in any way establish a precedent for commercial intrusion into the surrounding residential area. He noted that the petition which had been read by Mr. Janeff had stated that North Point Street from

Buchanan west is a strictly residential street; but he advised the Commission that that statement was not entirely true in so far as a print shop is located directly across North Point Street from the subject property.

Commissioner Bierman asked if the entrance to the print shop is located on North Point Street. Miss Fusco replied in the negative, indicating that the entrance to the shop is on Buchanan Street.

Mr. Hillman stated that he and his associates had made every effort to redesign the proposed office building so that it would be compatible with the character of the neighborhood; and they were surprised that opposition to the project had materialized. He stated that they had already been waiting for approval of the building permit for 11 weeks; and he hoped that the Commission would allow the project to proceed in accordance with the plans which had been prepared.

Commissioner Bierman remarked that she could understand the need for additional fire exits in the building; however, she asked if there were no feasible way of providing the additional doorways on the Chestnut Street frontage of the property. Mr. Hillman replied that the additional doorways could be located on Chestnut Street if the building were to be occupied by a single tenant. However, since four offices were being proposed, long corridors with ceiling heights of 20 feet would have to be installed if all of the entrances were to be located on Buchanan Street; and, as a result, the space inside of the building would be destroyed. Furthermore, the plans for the project would have to be completely redesigned.

President Rosenblatt asked how much usable space within the building would be lost if corridors were to be provided to connect offices in the building with entrances from Buchanan Street. Mr. Hillman replied that the corridors would consume approximately 300 square feet out of a total of 5,000 square feet of usable space; however, the corridors would also detract from the aesthetics of the space.

President Rosenblatt then asked Mr. Hillman to comment on the restrictions which were proposed in the petition which had been read by Mr. Janeff. Mr. Hillman replied that the normal hours of operation of the proposed offices would be from 8 a.m. to 5:00 p.m. on weekdays; however, since some of the office workers might wish to work evenings or weekends on some occasions, he would prefer to have no restriction set to govern the hours when the offices might be occupied.

Commissioner Dearman indicated that members of the Commission had taken a field trip to the subject property earlier in the afternoon. While she found the plans which had been prepared for renovation of the building to be quite attractive, she remarked that it is obvious that North Point Street is a residential street; and she felt that it would be desirable if the entrances to the proposed offices from North Point Street could be eliminated.

Mrs. Leo Tarantion, a resident of the area, expressed concern that the applicants had not discussed their project with residents of the neighborhood before filing for a building permit application. She also remarked that work has been done on the building despite the fact that the building permit has not yet been issued. She stated that openings have been made in the North Point facade of the building; and termites have been coming out of those openings.

Commissioner Bierman asked how much work has been done within the building. Mr. Hillman replied that two or three of the walls within the building have been demolished. He estimated that the work done to date amounts to no more than three or four per cent of the total work to be done on the building.

Commissioner Bierman stated that she did not feel that the issue merited special discretionary review proceedings. However, the plans which had been prepared for redesign of the building showed a great deal of inventiveness; and she hoped that the applicants would be able to offer some sort of compromise which would help to satisfy residents of the area.

Mr. Hillman stated that meetings had been held with residents of the neighborhood. They had been shown an alternate design which incorporated two tunnel entrances on North Point Street into a single entrance; however, that alternate design had been rejected by the neighbors.

Commissioner Bierman suggested that residents of the neighborhood might be more receptive to the alternate design if they were to have an opportunity to review it again; and she asked if the applicants would be willing to open up that option again. Mr. Hillman replied in the negative.

Commissioner Starbuck asked how many employees were likely to be housed in the building after the renovation project is completed. Mr. Hillman said that the building would probably accomodate between thirty-five and forty employees.

Peter Stocker indicated that he was financing the proposed project; and he stated that he would never have become involved

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in the project if he had known that objections would be raised by residents of the neighborhood. He remarked that it is economically advantageous to provide offices which will have separate entrances so that occupants of the building can control their own office space. He urged the Commission to act on the staff recommendation that the request for discretionary review be denied; and he indicated that he would probably drop the project altogether if the request for discretionary review were to be granted. He stated that the building has been used as a garbage pick-up site; and he felt that perpetuation of the building in its present state could only be detrimental to the neighborhood.

Commissioner Bierman stated that she would be willing to make a motion to continue consideration of this matter for one week if the applicants would be willing to meet further with residents of the neighborhood to see if an agreement could be reached on a compromise.

Rai Y. Okamoto, Director of Planning, stated that all of the factors which had been mentioned during the Commission's discussion of the site had been considered by the staff; and it was the recommendation of the staff that the request for discretionary review be denied. He remarked that the doors on North Point Street would be provided in recesses which had previously been windows; and he felt that the residential scale of the building would be retained whether recesses were used for doors or windows. In fact, he believed that additional doors might provide the building with an appearance more in keeping with the residential character of the neighborhood.

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Nakashima, and carried 4-2 that the request for discretionary review be denied. Commissioners Dearman, Elliott, Nakashima and Rosenblatt voted "Aye"; Commissioners Bierman and Starbuck voted "No".

CONSIDERATION OF REQUEST FOR TIME EXTENSION FOR START OF
CONSTRUCTION ON A PREVIOUSLY APPROVED OFFICE BUILDING AT
444 MARKET STREET (CU75.6)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Commission had adopted Resolution Nos. 7301 and 7302 on March 6, 1975, approving a project for construction of a new office building at 444 Market Street. Both

of the resolutions contained a condition which read as follows:

- "8. Failure to commence construction of the proposed office building within three years of the effective date of this Resolution, unless specific authorization for a later commencement date is given by the City Planning Commission no later than six months prior to the termination of said three-year period, shall be considered abandonment of the Conditional Use, and construction of this office building shall be permitted only if authorized through the same procedures as a new Conditional Use."

Mr. Steele indicated that the original owners of the property had sold their development rights and the new owner had intended to proceed with the project. However, they were requesting a six-month extension of the authorization which had previously been granted by the Commission.

No one was present in the audience who wished to speak in opposition to the applicants' request.

Mr. Steele recommended that the Commission grant authorization for a six-month extension of the deadline for starting construction of the project.

It was moved by Commissioner Bierman and seconded by Commissioner Elliott that the extension be granted.

Commissioner Starbuck stated that he intended to vote against the motion since the current members of the City Planning Commission had not had an opportunity to review the Environmental Impact Report for the proposed project or to conduct a discretionary review of it. He remarked that a new office building complex proposed at 444 Market Street had offered more mitigation measures than were being recommended for the project presently under consideration; and he noted that the previous Commission, in reviewing the proposed project, had been concerned about the fact that the project would block windows in an existing building at 111 Pine Street.

When the question was called, Commissioners Bierman, Elliott, and Nakashima voted "Aye"; Commissioners Dearman, Rosenblatt, and Starbuck voted "No". Therefore, in accordance with the rules and regulations of the City Planning Commission which specify that "a tie vote on any matter before the Commission shall be deemed a disapproval thereof", the request for an extension of time for start of construction on the proposed project would have been disapproved. However, it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that

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the tie vote be rescinded and that the matter be reconsidered. The Commission then recessed for 10 minutes. When the meeting was reconvened, Commissioner Dearman was temporarily absent from the meeting room; and the Commission decided to defer reconsideration of the 444 Market Street matter until her return.

R77.20 - REVOCABLE ENCROACHMENT PERMIT FOR THE RELOCATION OF THE CURB LINE ALONG THE EAST SIDE OF FLORIDA STREET BETWEEN MARIPOSA AND 18th STREET.

Douglas Holmen, Planner II, reported on this matter as follows:

"The proposal is to construct a new sidewalk and curb measuring 370 feet by 5½ feet along the east side of Florida Street, between Mariposa and 18th Streets, adjacent to a SPUR track, to comply with the Public Utilities Commission General Order No. 26D, Paragraph 3.17 (the center line of any track constructed in and along a public street shall be at least ten feet from... a lawfully established curb line...). The owner of the adjacent property, and SPUR track, Best Foods, CPC International, Inc. needed to repair the track, thereby changing the curb requirement.

"The Transportation Element of the Master Plan, in Thoroughfares Plan Objective 2, Policy 2 calls for the promotion of increased traffic safety, with special attention to hazards that could cause personal injury. In addition, Policy 1 of Objective 3 of the Thoroughfares Plan states that sidewalks should be widened where commercial, recreational, or institutional activity is present. Although the project location is not directly situated in the downtown area, Policy 1 of Objective 3 in the Downtown Transportation Plan of the Transportation Element would be appropriate in requiring off-street facilities for freight loading and service vehicles in all major new development and seeking opportunities for new facilities for old buildings.

"It is recommended that the Director be authorized to report that the granting of a revocable encroachment permit for the placement of a sidewalk and curb along the eastern edge of Florida Street, between Mariposa and 18th Streets, generally described in the site plan prepared by Edward A. Bonelli and Associates and dated January 28, 1977, is in conformity with the Master Plan."

No one was present in the audience to speak in opposition to the granting of the proposed revocable encroachment permit.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that the Director be authorized to report that the granting of a revocable encroachment permit for the placement of a sidewalk and curb along the eastern edge of Florida Street, between Mariposa and 18th Streets, generally described in the site plan prepared by Edward Abonelli and Associates and dated January 28, 1977, is in conformity with the Master Plan.

RECONSIDERATION OF REQUEST FOR TIME EXTENSION FOR START OF CONSTRUCTION ON A PREVIOUSLY APPROVED OFFICE BUILDING AT 444 MARKET STREET.

John Harris, representing the applicant, expressed his appreciation to the members of the Commission for their willingness to reconsider the tie vote which had occurred on this matter earlier in the meeting. He indicated that the mechanical system being proposed for the new building is being completely reviewed with the objective of reducing energy consumption; however, if new energy conservation techniques were to be introduced into the building, the building would have to be completely redesigned and brought before the Commission for a new conditional use authorization. Under present circumstances, he felt that it was possible that construction could commence before the previously established deadline. However, many things remain to be done; and, in order to assure that the authorization for the project would not terminate, he hoped that the Commission would be willing to grant a six-month extension for the start of construction on the project.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), suggested that thermo-pane windows could be installed in the proposed building to reduce energy consumption and he remarked that type of approach would not require that the entire building be redesigned.

Mr. Harris stated that such approaches were being considered; however, he had not anticipated that the Commission would establish extra conditions in granting the request for an extension of time.

Commissioner Starbuck remarked that the Commission, at its meeting next week, will be considering an amendment to the Environmental Impact Report for a project at 444 Market Street; and he felt that the Environmental Impact Report for the project presently under consideration should be expanded, also, particularly in the areas of transportation and energy conservation.

Commissioner Bierman stated that she, also, would like to have those sections of the Environmental Impact Report expanded.

Mr. Steele indicated that the Commission was being asked to change one of the conditions which had previously been established; and, in so doing, it would be within the jurisdiction of the Commission to establish any new conditions which it might feel to be appropriate.

Selina Bendix, Environmental Review Officer, stated that the amendment of the Environmental Impact Report could be handled administratively; and she felt that the amendments could be prepared in one or two weeks.

It was then moved by Commissioner Starbuck and seconded by Commissioner Dearman that a draft resolution with the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the criteria set forth in Sections 271 and 303 (c) of the City Planning Code are met and hereby AUTHORIZES an extension of six months (to October 6, 1978) of the conditions of Resolutions No. 7301 and 7302 which require commencement of construction within three years of the effective date of those Resolutions; and

"BE IT FURTHER RESOLVED, That Condition No. 9, as follows, be added to the Conditional Use Authorization and discretionary review approval for the subject project:

"9. Prior to construction of the project, the Final Environmental Impact Report for the 444 Market Street Project (EE74.253) shall be administratively amended to add the most recent possible information on water and energy conservation, to expand the discussion of traffic impacts, and to expand the mitigation measures and alternatives sections relative to said information."

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7806.

REQUEST, IN ACCORDANCE WITH SECTION 306.4(d) OF THE CITY PLANNING CODE, FOR DECISION ON VARIANCE APPLICATION 77.63 ASKING FOR A REAR YARD VARIANCE FOR PROPERTY AT 1 SUSSEX STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Commission had received a copy of a letter addressed to him by Barbara Hutchinson, which read as follows:

"On June 22 of this year the public hearing was held on this request for a rear yard variance in order that we may obtain the permit to build a second story on our existing home. It has now been three months since the date of the hearing and no decision has been made on our request for this variance.

"It has come to my attention that according to Sec.306.4, Pg.93 of the City Planning Code, that in the case of variances, the decision of the Zoning Administrator shall be made within 60 days from the date of the conclusion of the public hearing. Failure of the Zoning Administrator to act within the prescribed time shall entitle the applicant to cause the matter to be placed before the City Planning Commission for decision at its next following regular meeting.

"Since 90 days have elapsed since the hearing of June 22, and in accordance with the above mentioned section of the City Planning Code, I am requesting that a decision on this variance be made by you at the next regular meeting of the City Planning Commission. It is my understanding that these meetings are held weekly, and so I will be expecting immediate attention and a reply on this matter."

Mr. Steele indicated that variance decisions are usually made within one week of the hearing; however, they are of no force or effect until such time as a written letter of decision is rendered. He had made a decision to approve the variance application which had been filed by Ms. Hutchinson. However, the department has a back-log of written variance decisions; and Ms. Hutchinson's variance matter is the fourteenth in line pending preparation of a written decision. He expected that the written decision letter will not be available until November. When major projects are involved, such as the recent proposal for an elderly housing project in the Yerba Buena Center, he had recommended that variance decisions be taken out of order; however, he felt that all other cases should be handled in order. Otherwise, every applicant would be requesting special consideration for his or her application. In the present instance, he recommended that the Commission uphold his decision to approve the variance application and that it direct him to process the written decision in normal order as quickly as possible.

Ms. Hutchinson, who was present in the audience, stated that she could appreciate the point of view which had been expressed by Mr. Steele.

However, her project had been delayed for more than six months; and she expected that further delay would cause them to lose their contractor. As a result, the project would cost more money. While she accepted the fact that the department may have a backlog, she stated that she had been in the department on a number of occasions and had found employees of the department socializing when they should have been working.

President Rosenblatt explained that a number of positions have been deleted from the budget of the Department of City Planning; and, as a result, back-logs have developed. He noted that some variance decisions are appealed to the Board of Permit Appeals or to the courts; and, as a result, the written variance decisions must be accurately prepared. Consequently, the Commission was not in a position to grant a purely oral approval of Ms. Hutchinson's variance application. He indicated that forty-four variance decisions are pending; and he remarked that most of those cases involve applications similar to the one which had been filed by Ms. Hutchinson.

Ms. Hutchinson remarked that the provisions of the City Planning Code may be too rigid if such a large number of variance applications have been filed; and she suggested that the Commission might wish to consider simplifying Planning Code procedures.

After further discussion, it was moved by Commissioner Bierman seconded by Commissioner Dearman and carried unanimously that the Zoning Administrator's approval of the variance application be upheld and that the Zoning Administrator be requested to process his written decision in normal order as quickly as possible.

Commissioner Dearman stated that it seemed to her that the staff could do something to expedite the processing of variance applications.

EEF77.251 - PUBLIC HEARINGS ON AN APPEAL OF A PRELIMINARY NEGATIVE DECLARATION FOR THE NORTH OF MARKET REHABILITATION ASSISTANCE PROGRAM WHICH WOULD AFFECT A PORTION OF THE AREA BOUNDED BY GOLDEN GATE AVENUE AND MARKET, POWELL, GEARY, AND LARKIN STREETS.

Rai Y. Okamoto, Director of Planning, reported on the research which had been undertaken by the staff of the Department of City Planning in preparing its recommendation for a Rehabilitation Assistance Program in the North of Market area. He also commented on the various public meetings which had been held to discuss the proposal with residents of the neighborhood.

Alec Bash, City Planning Coordinator, summarized the reasons which had been given by the staff of the Department of City Planning for issuing a Negative Declaration for the proposed project, emphasizing that the staff had determined that the project could not have a significant effect on the environment if certain specific mitigation measures were implemented. He indicated that the Negative Declaration had been appealed by Patricia Clark, Elmer Lassen, Richard Engelking, and the Central City Office of the San Francisco Neighborhood Legal Assistance Foundation by way of a letter dated September 12, 1977, which was signed by Gabriel M. Gesmer, attorney for the appellants.

The Commission then received and responded to comments made by members of the audience including Robert Levi, Superintendent of the Bureau of Building Inspection; Dr. Selina Bendix, Environmental Review Officer for the Department of City Planning; Bernard Cummings Assistant Superintendent of the Property Conservation Division of the Department of Public Works; Gabriel Gesmer, Attorney for the appellants; Ray Broshears, President of the Tenderloin-Polk Tenants Association; Walter O'Donnell, 515 O'Farrell Street; Geraldine Johnson, a resident of an apartment building at 545 O'Farrell Street; Francis Brown, representing the Glide Senior Involvement Center; Chester Hartman, representing the Bay Area Planner's Network; Paul Tise, Assistant Pastor of St. Paulus Lutheran Church; Mark Forrester a former organizer of senior citizens at the North of Market Senior Center; Barry King, representing the Downtown Owners and Tenants Association; and Vasilios Glimidakis, owner of the Ambassador Hotel at Mason and Eddy Streets and another hotel in the Tenderloin District.

During the course of the public hearing, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

At the conclusion of the public hearing, it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that consideration of this item be continued until the Commission's meeting on October 6. President Rosenblatt asked the staff to obtain information relative to the probable effect of standby rent stabilization on the housing supply and on the abandonment of buildings prior to the next meeting on this matter.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

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Minutes of the Special Meeting held jointly with the Recreation and Park Commission and the Director of Public Works on Thursday, September 29, 1977.

The joint Commissions met pursuant to notice, on Thursday, September 29, 1977, at 7:30 p.m. in the Hall of Flowers in Golden Gate Park.

PLANNING COMMISSIONERS PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

RECREATION AND PARK COMMISSIONERS PRESENT: Commissioner Armstrong, Chair; Commissioners Eickman, Harris, LaGarda.

ABSENT: Commissioners Di Grazia, Friend, and Meyer.

John Cribbs, represented the Director of Public Works.

The staff of the Department of City Planning was represented by George A. Williams, Assistant Director-Plans and Programs; Dave Fulton, Planner II; Kit Hermann, Planner II; Jonathan Twichell, Transit Planner III; Barbara Sahm, Environmental Review Analyst; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

PUBLIC HEARING ON DESIGN ALTERNATIVES FOR RECONSTRUCTION OF THE UPPER GREAT HIGHWAY AS RECOMMENDED IN A REPORT ENTITLED "REDESIGN PLAN FOR THE GREAT HIGHWAY" WHICH HAS BEEN PREPARED FOR THE SAN FRANCISCO WASTEWATER MANAGEMENT PROGRAM BY A DESIGN TEAM HEADED BY MICHAEL PAINTER AND ASSOCIATES.
(CONTINUED FROM THE SPECIAL MEETING OF SEPTEMBER 15, 1977)

Following introduction of the Commissioners present, President Rosenblatt reopened the public hearing.

Charles Carman, 1648 Great Highway, presented the following testimony:

"There is a very large and completely unexplored cost associated with the plan proposed by Michael Painter ('Redesign Plan for the Great Highway', Michael Painter & Associates, September, 1977). With respect to construction costs, Mr. Painter says (page 33): 'The cost of the program being developed by the Army Corps of Engineers for the protection of the beach and foredune area from wave action is not included...', and the same warning is given with respect to maintenance costs, on page 35. Since neither the Corps of Engineers nor the

"G.G.N.R.A. has yet agreed to undertake any such protection of the beach, the Honorable Commissioners should consider whether it is feasible for the citizens of San Francisco to shoulder this cost, if necessary.

"Generally speaking, the tendency of a beach that has been artificially filled out beyond its natural shoreline, is to erode back toward its original condition. "After construction of the Upper Great Highway the high water shoreline (with the exception of the seawall) began receding at an annual rate of 3.02 feet per year ... between 1929 and 1944 the average loss in beach was 45 feet. This recession of the highwater shoreline is more than likely the result of an imbalance created by placement of sand fill during construction of the Upper Great Highway" (Corps of Engineers draft report, 1977, page 17); and: "It is conceivable that, if no protective measures were taken by either G.G.N.R.A. to protect their beach or the City and County of San Francisco to protect the Great Highway, erosion of the shoreline back to the 1915 dune location might occur", ("Shoreline Characteristics Ocean Beach - San Francisco", J. W. Johnson, S.F. Dept. of Public Works, 1977).

"Our attached mark-up of Mr. Painter's Figure 3 shows that the 1915 Mean High Water line and the 1915 dune contour at elevation +13.0' (City Datum), which is the level of the proposed new highway (dimensions from Johnson Report, supra, Figures 1-4 and 6-9).

"It is evident from this showing that if erosion were permitted to the 1915 profile, only about one-seventh of the new highway could survive.

"What is the cost of erosion protection?

"Between 1961 and 1972 the beach between high water shoreline and mean lower low water, from Sloat to Lincoln Way had a net loss of 224,000 cubic yards of sand or 56,000 cubic yards per year (Corps of Engineers draft report, page 13, supra).

"However, between 1929 and 1944, when the beach was farther out, the net loss was 858,000 cubic yards or 78,000 cubic yards per year (Corps of Engineers draft report, supra).

"From these figures, it is inferrable that the farther out the beach is artificially filled, the more rapid is the erosion response of the ocean.

"Now Mr. Painter proposes to fill the beach out to 200 feet beyond the present waterline. Projecting the Corps of Engineers figures rectilinearly to this dimension (see Figure 1 attached herewith) the annual rate of refill demanded would be 107,715 cubic yards.

"At the going rate of \$8.65 per cubic yard for fillgrade sand in a 6 cubic yard truckload delivered 20 miles (Pacific Redi-Mix, Redwood City), the minimum annual cost of your beach protection would amount to \$931,734 per year.

"The Painter Report (page 36) estimates the annual beach maintenance costs at \$643,920, not including this erosion protection. It therefore appears that the annual total cost will be at least \$1,500,000 or three times what you have been considering.

"How can you be sure that the Federal government will eventually take up the erosion protection costs?

"Will you re-construct the highway before you find out?

"We suggest that you delay your decision on the re-construction of the highway until the question of these costs, and who will pay them, is more thoroughly explored.

"Otherwise, the citizens of San Francisco may have another Bart fiasco on their hands, and we may end up paying another additional sales tax merely to feed sand to our hungry ocean, and to preserve a highway for the convenience of Peninsula commuters."

John W. Buchwald, 3932 Lawton Street, read and submitted the following prepared statement:

"My name is John Buchwald. I was born in San Francisco and have lived in the Sunset District, 3½ blocks from Great Highway for over 53 years.

"It appears to me that the proponents of the subject plan feel that for the section between Lincoln Way and Fulton St. the installation of a sewer 25 ft. wide just below the surface justifies the removal of the adjacent paved parking and roadway area approximately 100 ft. wide and the construction of a highway through the present Golden Gate Park. It seems to me they must feel that somehow they can prevent the sand which presently regularly gets onto the walk and pavement from covering the grass and planted areas they have shown.

"In the section between Sloat Boulevard and Lincoln Way the proponents of the plan seem to have concluded that the 50 ft. wide sewer must be located under the east four lanes of Upper Great Highway and that this construction necessarily involves the destruction of the west four lanes as well as the entire rest of the Upper Great Highway structure.

"They feel they will lower the height and create a slope which will create even more excess material which they feel they will push or dump onto and cover much of the present beach. They feel another group will work on a plan to see if a new beach with new sand can be created further out in the sea, they hope.

"They propose to cover the area largely with plants and a relatively small amount of pavement. The plants they have selected are not self maintaining such as ice plants which can survive by obtaining their moisture from the fog or air but rather plants which require and are dependant on watering and special care. They feel this beach area which has been neglected in the recent past will be given the intensive care it will need.

"They seem to feel that the large labor force required will be maintained and will not be discontinued in the future due to strikes, or budget cuts. They feel this won't happen for if it did the plants could dry up and the wind could blow much of the earth away. Only the pavement and rocks would remain.

"They seem to indicate that they have solved the problem of sand removal. They seem to feel that the planted areas will not increase in height due to the depositing of sand blown in by the wind and will not in time require removal and replanting.

"They feel that they can confine pedestrians, bicyclists, and equestrians to certain designated paths west of the highway and keep them from taking short-cuts across the planted areas by means of signs, chains or cables. This policy seems to be contrary to the general policy in Golden Gate Park which I feel doesn't have any "Keep off the Grass" signs, and where movement seems restricted only in very special areas.

"It appears to me that the proponents of the plan feel that in the section South of Sloat Blvd. they will build a pumping station with heavy pumps and motors mounted on a big new pile of earth just west of the swimming pool. It seems they feel this would provide a suitable foundation and that these heavy motors and pumps will not sink in time due to vibration that they will cause.

"Also I understand they plan to build from that point a large pipe out into the ocean about five miles which will cross the San Andreas Fault. They may feel that movement along the San Andreas Fault will not occur, at least not enough to destroy this large costly pipe.

"That's the way I feel, from what I have heard and read, the planners of this project feel like doing it. If I have made any errors, or said anything which is untrue I hope I will be corrected.

"Thank you for letting me express my feelings on this project to you here at this time."

James E. Thomas, a member of the San Francisco Zoological Society, stated that the Recreation and Park Commission had approved use of land south of Sloat Boulevard for expansion of the Zoo; and, in light of that action, he recommended that the maps and charts which had been prepared by Mr. Painter should be modified to indicate that the new sewage treatment plant would be located underground and that the primary use of land in the area would be for expansion of the Zoo. He also noted that some of the plans under consideration called for the closing of the Great Highway south of Sloat Boulevard and removal of proposed Zoo parking and an existing grove of cypress in that area. He believed that closing of the Great Highway in that area and removal of the existing parking lots would force people visiting the Zoo to park in adjacent residential areas; and he felt that a wind berm or the existing trees should be retained to protect the Zoological Gardens from the prevailing winds.

Don Zeigler, representing the Planning Association of the Richmond (PAR), read and submitted the following prepared statement:

"My name is Don Zeigler of 360 - 23rd Avenue and I am presenting the opinions of the Planning Association of the Richmond. Our organization supports Scheme Two of the Painter Report which calls for a two lane recreation road on the site of the Great Highway. We feel this will provide the greatest enjoyment to the greatest numbers along our unique coastline.

"To present the positive side of our argument, we can only ask you to consider the magnitude of the opportunity being presented to us. In 1981 or 1982, the existing freeway at the beach will be gone; people who formerly used the Great Highway will have found new ways to get where they are going during the years when the sewer was being constructed. The question for us now is not should we fix up the old freeway; the question is, in the early 1980's, do we want to build a new freeway along our coast? With all that we know now of the energy crisis, of the damage done to the environment by cars, of the priceless nature of our coastline, this is certainly not what we want to do. It is as if we had responsibility for a section of the San Mateo or Marin coastlines. None of us would dream of building a freeway in those areas.

"Now, of course, traffic does have to move for a few more years until the gas runs out. Painter presents a grim picture of an overcrowded two lane road with a mixture of recreation and commute traffic. However, it certainly seems obvious that 1). if the Great Highway is closed from Skyline to Sloat, as everyone seems to think it should be, and 2). if proper engineering is done to bring traffic from Skyline across Sloat and onto Sunset Boulevard, then through traffic and commute traffic will almost all be diverted onto Sunset Boulevard or up to 19th Avenue. Few people on a schedule will divert back to the beach to take a two lane recreation road when six lanes of Sunset Boulevard are available. And according to Vol. 2 of the Final EIR, page 105, even if the Great Highway were closed, traffic on Sunset Boulevard would still be less than $\frac{1}{2}$ of capacity during peak commute hours. So we don't need a freeway at the beach because an alternative, underutilized road is already available.

"Sunset Boulevard does have one very serious problem, however, and that is that it ends abruptly in Golden Gate Park and no one wants those added vehicles wandering through the park trying to get out on the other side. It will be necessary, therefore, to close the Sunset Blvd. entrance to the park and force all traffic onto Lincoln Way, heading either east or west. Lincoln Way, again according to Vol. 2 of the EIR, page 73, is a very underutilized road between 19th Avenue and the beach and it could easily absorb this added traffic. With proper engineering, traffic could then cross the park by going west to the beach and crossing on a 4 lane remnant of the Great Highway, or perhaps a left turn signal arrangement could be set up at 19th Avenue and Lincoln Way to allow cross park traffic to enter at 19th Avenue. In any event, cross park access will be exactly as it is now.

"It is difficult to say where the San Mateo County residents are going as they come up to the Great Highway. Some may be heading downtown in their cars while many are stopping in the Richmond to catch buses heading downtown. When the new MUNI Metro opens, many of these people will park along Taravel, Judah, and Ocean Avenue to catch this new system. The new MUNI Metro will certainly reduce traffic commuting downtown along the Fell and Oak corridor, whether the Great Highway is closed to commute traffic or not.

"Also, it should be added that much of the weekend traffic along the Great Highway is also commute traffic, this time from the Golden Gate Bridge to San Mateo County. This traffic could again easily be handled on Sunset Boulevard, given proper engineering modifications to allow a smooth turn from the park crossing at the beach onto Lincoln Way.

"Finally, in response to the Richmond merchants desire for a 4 lane freeway, I can only say that my wife and I live in the Richmond and we use the Great Highway frequently to to to Serramonte and Tanforan Shopping Centers just because it is so easy to do. We might do more shopping in the Richmond if it weren't so easy. I venture to say that we aren't the only ones who do this.

"In conclusion, it is the position of PAR that the Great Highway be replaced by a two lane recreation road. This allows access to the beach without unduly spoiling its unique natural beauty. It allows the GGNRA to assume full maintenance responsibilities for the coastal corridor at considerable savings to the City. Finally, we don't build freeways anywhere else in San Francisco, we certainly shouldn't build one at the beach".

Gary L. Holloway, representing the North Central Coast Commission, made the following statement:

"I am addressing you this evening regarding the redesign of the Great Highway area in San Francisco. I must emphasize that these remarks are preliminary and are from the Wastewater Subcommittee of this Commission. They do not reflect any action by the full 14-member Coastal Commission, which will not be formally considering any redesign proposals until later this year.

"After evaluating the various alternatives for redesigning this critical coastline area, the Subcommittee endorses the concept of restoring this area to its original natural dune landscape appearance. Concern was expressed about the long-term effects of expanding the public beach area by adding more sand and specifically about the long-range physical and financial implications of sand replenishment in this area.

"The majority of the Subcommittee feel that the 2-lane road proposal (one lane in each direction) is the best alternative means of meeting the objectives of the California Coastal Act of 1976, which mandates the maximization of public access and emphasizes coastal-related recreational opportunities as having a priority over other uses. The "no road" alternative was evaluated but did not receive popular support because of its unknown effects on access and adverse impact upon the Sunset neighborhood, particularly with regard to increased traffic. Therefore, the 2-lane road proposal seems to be the best compromise between a reconstructed 4-lane road (which gives the emphasis to commute traffic users over recreational users) and the "no road" proposal, as it comes closest to implementing the provisions of the Coastal Act.

"I shall be available to answer any questions regarding this preliminary recommendation".

A member of the audience asked Mr. Holloway what position had been taken by the North Central Coast Regional Commission with regard to the closing of the Great Highway between Sloat Boulevard and Skyline Boulevard. Mr. Holloway replied that his Commission had not considered that issue; however, the Commission staff was in favor of closing that portion of the roadway.

A. R. Roderick, a resident of the Great Highway area, made the following statement:

"My name is Reg Roderick. I have lived at Ocean Beach for two decades. For your last meeting, and on behalf of Tides-End Community Association, I mailed to you a statement reflecting T E K A concerns in this matter, tonight, I speak as an individual.

"Joining others here, I submit that this plan is not ready for final approval. As recently as last evening, we were advised it was in the process of change. On Page 11, Item B, Par. 2, the statements again attest to the point,

and it is reaffirmed by Ken Bernhardt of the Rec/Park staff this afternoon when he pointed out to me that any plans involving change in Golden Gate Park should await completion of the master plan that is expected in 1979. It was further pointed out that funding is not available for the park section in this plan, under the Wastewater Management Program.

"As I see it, FUNDING and ENVIRONMENTAL IMPACT are the two fundamentals to be considered by we here assembled.

- 1) Grandious plans can be drawn for the price of paints and paper, coupled with artistic insight. - In this instance, such plans serve a special purpose of diverting community attention from the magnitude of the sewer project, and by causing groups and individuals to feud among themselves and drain off the energy that otherwise might have focused upon the basic project....it is unimportant whether or not the actual redesign project can be completed as presented.

Implementation in this instance involves between \$8,110,000 and \$20,000,000. The difference between the straight road restoration most likely meeting the "necessary and reasonable" criteria of the federal E P A Audit Bureau (no approval of expenditure for funding without their approval) and the Scheme 1 total proposal is \$11,430,000 according to Page 34 figures.

In checking with the federal E P A staff this week, their concern about S.F.'s approach to "gold-plating" was quite evident, and indications are that the State of California is showing similar concern.

If we choose a plan that isn't finally approved, we - those of us who reside in San Francisco - will have to pay the difference.

- 2) This plan is but one plan - and not done by the governmental authority with power to implement it in full.

In your files at McLaren Lodge is a 471 page volume prepared by the Department of Interior - National Park Service - Golden Gate National Recreation Area, after some 200 public meetings and two years of effort. This plan with the 4 alternatives is preliminary; it will be revised by GGNRA and a final proposal submitted for federal funding. Tonight, here, we consider dunes stabilization. In the GGNRA report, Page 204, P. 1 is this statement:

"Recognizing the special importance of the resources, all of the alternatives for Ocean Beach propose dune stabilization programs to correct present erosion problems".

Each of the four alternatives for Ocean Beach that are presented by the National Park Service are at odds with the program before us here -- and in no instance is the quoted cost figure, INCLUDING dunes stabilization, over \$10,000,000 in Federal funds. Compare that, if you will, with the \$11,430,000 of potential taxes that approval of Scheme 1 could place on San Francisco taxpayers.

- 3) While this proposal speaks of protected plantings, the National Park Service/GGNRA plan calls for from 2,800 to 3,300 maximum visitation level as desirable for the Ocean Beach side of the upper park road, and includes over-night facilities and equestrian trailer parking. How does this relate to the need for protected plantings???

Before you consider approving this redesign plan, shouldn't you be advised in detail about the conflicting plan alternatives of the design being developed by the Federal people who claim jurisdiction?

- 4) On what legal basis will you ask the citizens of San Francisco to be taxed for landscaping and creation of extended beach for the v-e-r-y property we gave to the Federal government in order to divest ourselves, as Mayor Moscone said to us, of the horrendous financial burden of development/maintenance costs?

On what legal and ethical basis do you place in the Recreation and Park Budget a request for funds from city taxpayers to maintain Federal park land?

Will this plan work without such unthinkable taxation?

- 5) When we try to make sense out of the E I R information as related to the severe traffic impacts under two of the schemes being presented, we find there is far from sufficient information for reasonable judgement. Under the California Environmental Quality Act, let us call for an EIR/EIS on this Redesign plan before approval by our Planning Commission and with SPECIFIC study of the traffic impacts upon residents and non-resident commuters, upon adjacent avenues in the Parkside and Richmond Districts, upon Golden Gate Park, upon businesses that can expect to be adversely affected in the Parkside, Sunset, and Richmond Districts and let us request that this be cross-referenced with the separate DPW Traffic Master Plan (which is different than the City Master Plan for Traffic, by the way), and it would even be appropriate to cross-reference the cross-street controls already approved for the convenience of the MUNI at the west end of Judah and Taraval.

"Please don't consider these suggestions as attacks upon Michael Painter and his associates. He did a job. Additionally, and currently without a contract we are told, he is continuing to work on this pending award of a new contract.

"As a concluding comment, and one I believe deeply important, with the discussions of traffic impact, restricting pedestrian access, and accommodating GGNRA, please recall we are talking of San Francisco PARK LAND. The Great Highway land area is not designated as an Embarcadero-type freeway connection; we don't have parks for the convenience of commuter traffic. This is our park land.

"I've listened to staff people speak of the "Disaster at Ocean Beach." Remember, if you will, that where the most erosion occurred was where some 13 years ago, we allowed unsupervised sand removal that became a scandal. As to the dune build ups, until the consideration of GGNRA take-over and drop in maintenance by the Rec. Park Dept. 5 years ago, and the acquisition by GGNRA, 3 yrs. and 5 days ago, we didn't have the sand blow, closed road problems in the magnitude and frequency of today. In the past three years especially, dune stabilization and sand control just hasn't been handled. In point of fact - and if you wish I'll happily cite the references, GGNRA spokesmen and writers have indicated that the dunes should be allowed to build higher, the roadway moved to the east a significant distance, and have cited the skillfully engineered retaining seawall as being so significant as being eligible for inclusion in the National Register.

"Please think VERY carefully about any approval at this time. Thank you."

James J. Walsh Jr., Vice-President of the Sunset Parkside Education and Action Committee (SPEAK), stated that his organization had held a general membership meeting last week to consider the Great Highway issue. While some of the members continued to feel that they did not have sufficient information to make a recommendation concerning the proposals for reconstruction of the Upper Great Highway, a vote had been taken and a majority of the members voting had endorsed the four-lane concept. He stated that the members of his organization were also anxious to have the program of undergrounding over-head wires in the area continued.

George Gates, representing the Great Highway Neighborhood Association, questioned what effect the plan prepared by Mr. Painter would have on wind pattern and wind velocities in the Ocean Beach area. He noted that Mr. Painter's plans called for the lowering of the contour of the east side of the Great Highway; and, given the fact that strong wind, like water, always seeks out the lowest area, he felt that the proposed design might pose potential wind problems. He remarked that a 25-foot high ridge running along the Great Highway would have sizable gaps north of Judah Street and Noriega Street; and he believed that winds coming from the northwest would speed up through the gaps, creating serious wind problems at Judah Street and Noriega Street. The existing height of the Great Highway above Ocean Beach is approximately 25 feet; and in the proposed plans it will be lowered to a height of approximately 13 feet. While he recognized that there would be an opportunity for greater control of the wind situation, given the fact that the Beach would be 200 feet wider than at the present time, he felt that the issue of wind effects should be resolved before any action is taken on the proposed plans. He noted that the introduction to Mr. Painter's report contained the following sentence: "The necessity for the reconstruction of the area provides an opportunity for the redesign of the Upper Great Highway in a manner which better meets the objectives and policies of the Comprehensive Plan for the City and County of San Francisco, which calls for the development of a park-like, recreational road bordering the ocean." He also remarked that Mr. Sklar, in a letter sent to concerned neighborhood organizations, had indicated that the sewer project would provide San Francisco with an opportunity to transform Ocean Beach into an "exciting recreational area". However, he did not understand how the four-lane highway being recommended by Mr. Painter would be compatible with the city's policy of developing a recreational roadway along Ocean Beach. He felt that the obvious purpose of a four-lane roadway would be to serve commuters. At the present time, the Great Highway has four lanes, and they are used only to 50% of capacity. Given those circumstances, he questioned why four lanes were being proposed when only two lanes are needed. He advised the Commission that sandy beaches stay stable only when there is an equivalent balance between the amount of sand taken away by the water and the amount of sand returned to the

beach. The sand at Ocean Beach is replenished from erosion of the bluff. However, since Mr. Painter's plans called for lowering of the bluff, the source of new sand would be cut in half. As a result, the rate of erosion would probably increase.

Arden Danekas, representing the Planning Association for the Richmond (PAR), read the following statement which had been prepared by Brian Fewer, former Supervisor of Landscaping and Street Planting for the City and County of San Francisco:

"With due respect to all of the designers and planners working on the Great Highway Project, I would like to voice my concern regarding the proposed landscaping along the project.

"First my background: I was born and raised in the Richmond District which, during my youth, had considerable areas of sand dunes. Also, I worked for the Recreation and Park and the Department of Public Works in landscaping for over thirty-five years.

"The Great Highway between Lincoln Way and Sloat Boulevard has been for at least forty-five years, that I know of, a real problem to the City Departments because of the seasonal drifting of sand. On countless occasions, the sand has covered all plant material on the beach side, proceeded to cover all plant material in the dividing strip and continued on by covering up lawn areas and some shrub groups on the eastern side of the highway. On many occasions, the sand drafts closed the south-bound lanes. In due time, the sand build up on the beach side resembles mountains of sand and in the center strip it builds up to the height of a car.

"After a seasonal blow, crews from the Department of Public Works scrape, sweep, load, and haul sand away to clear the pavement. At less frequent intervals, the Recreation and Park Department has leveled the sand build up on the ocean side by loading it on trucks and hauling it away.

"The area, when graded flat, has been planted countless times to Dune Grass and Mesembrenthemum. The center strip has been treated the same and planted only to the ice plant. On the west side the lawns have been scraped clean of sand. Sand build up in the shrub group is removed by hand shoveling.

"Now the whole area looks great. People in their homes and cars can see the ocean once again. It is nicely planted to grass and ice plant-real neat. Remember this procedure has been going on for years at a tremendous expense to the tax payers.

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"Today, there is a new test plot. The area has been graded level and planted, exactly what the Park Department has been doing over the years. And as sure as the sun sets in the west, this new test plot will be covered with sand and then more sand.

"There are very few plants that will grow on the beach side of the highway. The sand, the wind, fog and salt will destroy most plants including a large percent of the plants listed on the new plans for the Great Highway.

"A few plants that can survive the ordeal, and have been planted for many years when covered up with sand persist and eventually grow up through the drift. In time they are again covered. In the meantime the sand is doing what it has been doing for ages, closing highways and blotting out views.

"The sun or wind dries the surface sand on the beach which is then picked up no matter what plants are in front of it and in a few short hours, the plants are gone.

"What I am trying to say is that it would be foolish to spend all of this money on design and landscape when, in a short time, it will be covered with sand.

"This note is long enough for now, but I would be glad to meet and discuss this project with the designers on any given date."

Willa Drummond, 1763 48th Avenue, remarked that Ocean Beach is a narrow strip of land two or three miles in length; and, if the plans prepared by Mr. Painter were to be implemented, one half of that strip of land would be used as a right-of-way for automobiles or for automobile parking. She indicated that Ocean Beach is a very fragile and precarious area; and, unless a balance can be achieved between the loss and replenishment of sand, erosion of the beach will continue. She stated that she did not know of anyone who has had any success in controlling the ocean; and she noted that rubble is all that remains of previous efforts to control the erosion of Ocean Beach. She remarked on the fact that San Francisco is a heavily-built up city, and she emphasized that some of the residents of the city need open space which is separated from automobiles. She observed that Ocean Beach is served by at least four transit lines; and, as a result, she saw no need to provide roadways or parking lots for automobiles at Ocean Beach. In fact, she felt that use of automobiles for access to Ocean Beach should be discouraged and that use of public transportation and bicycle should be encouraged. She indicated that it is possible to walk across Ocean Beach in two or three minutes and to walk from one end of the beach to the other in one hour; and, under the circumstances, she could see no justification for building a roadway through the area. Furthermore, unless a decision is made not to reconstruct the Upper Great Highway, she believed that Ocean Beach would become a lost resource in short order.

Jane Nurre, Director of Environmental Quality for the San Francisco League of Women Voters, made the following statement:

"The San Francisco League of Women Voters believes that the city has a unique opportunity to restore the beach and to provide for a coastal park and recreational area. The Redesign Plan promotes careful development and conservation of one of the city's largest natural resources. The beach area presents a needed escape from urban crowding and congestion. We support the proposals which relate to the beach and dune restoration, the new planting, the expansion of recreational opportunities and the increase of pedestrian and public transportation access.

"Working together, these proposals will create a new park. Now a decision must be made as to the purpose of the road through the park. We believe it should be a recreational road. We strongly disagree with the recommendation by Michael Painter for the 4-lane roadway. It is inconsistent with the plans for a park. We believe this plan will generate more traffic, noise, speed, fumes and be dangerous to the park user. To insure that the park is a pleasurable experience for all visitors, we support the 2-lane roadway. It is crucial to the success of this plan for the Skyline to Sloat road closure to traffic to discourage the non-recreational and non-local usage of the area. We think that traffic mitigation measures can be formulated to protect the area and to make the 2-lane roadway workable for recreational users.

"Due to our concern for adequate maintenance and its funding, we would recommend National Park Service management of the coastal park. We feel this would insure proper maintenance and take the financial burden off the inadequately funded city departments.

"The League of Women Voters supports the proposals of the Redesign Plan which will create the coastal park with the 2-lane roadway, because we feel this plan will best enhance the scenic and recreational values of the beach and balance the social, economic and environmental needs of the community."

Commissioner Bierman stated that she was concerned about the effect which closing of the Upper Great Highway would have on traffic conditions on 45th Avenue, 19th Avenue, Kennedy Drive in Golden Gate Park, and other streets in the area; and she hoped that the joint Commissions would receive testimony relating to that issue. She asked if the League of Women of Voters had discussed how other streets in the area might be impacted if the Great Highway were to be closed or if its capacity were to be reduced. Ms. Nurre replied that adequate analysis of the traffic impacts had not been made by the Traffic Engineering Bureau of the Department of Public Works. While some study had been made of weekday traffic flow, no information was available concerning the nature of the situation on weekends.

Gary Weinstein of the Wastewater Management Program reported that an origin and Destination Survey, which had been conducted for the Environmental Impact Report on the Westside-Transport/Storage Project, indicated that most of the traffic using the Great Highway would be diverted to Sunset and 19th Avenues, 45th Avenue, and Golden Gate Park if the Upper Great Highway were to be closed.

Marilyn Lohrbach, 4721 Lincoln Way, stated that she had attended the general membership meeting of SPEAK on the previous evening. During the course of the meeting, someone had asked who would pay for the proposed four-lane roadway along Ocean Beach; and a representative of the Wastewater Management Program had replied that 75% of the cost would be borne by the Federal Government, that 12½% of the cost would be paid by the state, and the remaining 12½% of the cost would be paid by San Francisco tax payers. The issue of who would be responsible for maintaining the roadway was still quite "fuzzy". She questioned how a project of such magnitude could proceed when there was such vagueness about so many details; and she suggested that more forethought and less hindsight is needed.

At this point in the proceedings Commissioner Elliott arrived in the meetingroom and assumed his chair at the Commission Table.

Elaine Grimm, 1924 Great Highway, made the following statement:

"At the last joint meeting of our commissioners, we were shown beautiful slides of a redesigned road including plants, trees, mini-parks, over and under passes. Of course, most of these designs were in Asilomar, Central Park, New York, Carmel, Monterey, San Diego. Lovely for the areas; but the environment in these cities is different from our own fair, but disintegrating city. All your mini-parks, tunnels, over passes and parking are exactly what most of the residents do not want.

"Mr. Painter said he will preserve the sand dunes. According to residents who have lived in this area for many years, will that be 30th Avenue, 40th Avenue -- certainly not the Great Highway. There were no sand dunes. But, probably we can make sand dunes just as we will extend our beach 200 feet. After all, didn't Cinderella marry Prince Charming?

"In order for the city to get what they want, the residents are subjected to scare tactics by Wastewater Management. But, that's what they're paid for. This redesign plan falls into the same category as the sewer design -- thrown together without real thought for technology and the environment.

"I have been to so many meetings that my husband has to make an appointment to see me. And what have I learned from these meetings -- that Mr. Burton has told Mr. Moscone who told Mr. Tatarian who told Mr. Sklar that "let's get a sewer put in so we can see how many people are being employed. We can always get someone to design the impossible and get technical people to agree with us -- and to heck with the consequences."

"I debated if I should speak this evening because most of the presentations fall on deaf ears. You only hear what you want to hear. To discuss the redesign is meaningless. We have heard that the decision has already been decided. This meeting is just a matter of formality.

"I really must thank you though. I've gotten quite an education on how the taxpayers of this city are disregarded and ignored."

Ms. Grimm stated that she, also, had attended the general membership meeting of SPEAK on the previous evening. She advised the Commission that 14 of the members had supported a four-lane roadway, 9 members had voted for a two-lane roadway, and 7 members had voted for no road at all.

Jesse Tepper, a candidate for Supervisor in District 11, stated that Ocean Beach is one of the last living things of its kind in the area; and he regarded it as a treasure which should be preserved. As a result, he questioned why the members of the joint Commission should be predisposed to a four-lane roadway.

President Rosenblatt and Commissioner Armstrong explained that neither of the Commissions had received recommendations from their staffs on the matter under consideration. They indicated that all comments recieved from the public would be considered before action is taken on the matter.

Mr. Tepper stated that many residents of the neighborhood felt that the Environmental Impact Report for the Westside Transport/Storage Project, which had been accepted by the City Planning Commission, was inadequate; and they questioned whether the "no road" alternative was now being given fair consideration by the joint Commissions. He felt that the Environmental Impact Report contained inadequate traffic studies and inadequate environmental impact assessments; and he believed that ways could be found to prevent traffic from clogging up residential streets and Golden Gate Park if the Upper Great Highway were to be closed. He suggested that the Upper Highway should be closed during the time that the new sewer is under construction; and he remarked that such a closure would provide an opportunity for empirical testing of the traffic impacts which would result on other streets in the area. He indicated that his personal preference was to allow Ocean Beach to revert to the environmental setting which it enjoyed prior to construction of the present Great Highway.

Inge Horton, 2363 44th Avenue, made the following statement:

"Nine days ago, I attended a meeting where ABAG (Association of Bay Area Governments) released the draft of its Environmental Management Plan to the public. Besides very important issues like water quality, air quality, solid waste, and water supply the plan deals with the location of houses and jobs and also transportation. The three main objectives are of great importance and should be brought into relation to the redesign plans.

1. objective: "Reduce long distance auto commuting"
2. objective: "Reduce the number of auto trips and increase transit use"
3. objective: "Tie transportation decisions to land development actions"

To 1. If San Francisco builds a four-lane highway on the Upper Great Highway it will encourage long distance commuting instead of reducing it as the city of San Francisco as a member of ABAG is requesting. A four-lane highway is clearly contradictory to the objectives of the ABAG Regional Management Plan.

To 2. "Reduce the number of auto trips and increase transit use" Applied to the Upper Great Highway this means, the no-road or service road alternative with a shuttle bus is clearly preferable to the four lane highway.

To 3. "Tie transportation decisions to land development actions" One of the policies of the ABAG Environmental Management Plan to prevent urban sprawl is to "encourage 'infil' development of by-passed vacant land within existing urbanized areas". Although San Francisco has already one of the highest population densities on the West coast it may be even more increased in the future. Just look at the number of apartment buildings which replaced one family houses in the Sunset district during the last decade and increased the population density. People living in high density areas need more public open space than the people in low-density suburbia. Because of the high density in San Francisco and the large proportion of low and moderate income people (who cannot afford long distance auto traveling for recreation as the richer suburbanites) the City of San Francisco has to do everything possible to preserve open areas for recreation (as parks and beaches) which can be easily reached by public transportation.

"To be more specific, the Sunset district with about 100.000 residents needs the beach and the Upper Great Highway Area as a recreational area. If you have recently looked at the playgrounds in this district, you know that the city has extremely neglected these recreational areas for children. The playgrounds are very poorly maintained and equipped. The same is true for

"recreational facilities for teenagers. The Park and Rec Department did not provide any maintenance or repair at Fleishhacker Pool for so many years that it is now in such a state of decay that it will be very costly to reinstate the facilities for recreational uses. Playland on the Beach is also lost for kids and teenagers.

"The Ocean Beach and an adjoining park on the Upper Great Highway will provide a variety of recreational uses for the children, teens and adults of this district as well as of the whole city. For this reason we have to do everything possible to secure this open space for recreational purposes, and not for transportation.

"I strongly believe that a four lane highway will interfere with the recreational purpose of this area. A four lane highway will result in less open space usable for recreation; it will bring in pollution from automobile exhaust; it will bring in noise pollution from automobiles; it makes it necessary to install traffic lights and other elements strange to the landscape. Therefore I urge you to decide for the no-road/service road alternative to secure the greatest recreational use of the beach and dune area.

"A last remark: I cannot agree with Dr. Bendix that no further Environmental Impact Report is necessary. I think there will be quite different environmental impacts whether a four lane highway will be built or the no-road alternative implemented."

Gary A. Tashman, 1932 Great Highway, represented the Sunset Coalition. He asked if the joint Commissions intended to take action on the proposed plans for reconstruction of the Upper Great Highway during the current meeting or in the immediate future. President Rosenblatt stated that the City Planning Commission was scheduled to act on the matter during its regular meeting on October 6. Commissioner Armstrong indicated that the Recreation and Park Commission would probably act on the matter on October 13.

Mr. Tashman stated that he and other citizens felt that the matter was being "railroaded" through the Commissions; and he expressed concern about the fact that the members of the two Commissions were merely listening to comments made by members of the audience and were not asking questions of them.

Commissioner Armstrong stated that the purpose of the public hearing was to receive comments from members of the public. In addition, he indicated that the Commissioners had received a great deal of mail on this issue.

Commissioner Bierman stated that she had driven out to the Great Highway at least four times since the last public hearing on this matter. While a four-lane roadway might look large to some people, it is not as

large as the six or eight-lane freeways which she had fought in the past. She remarked that a two lane road, such as O'Shaunessy Boulevard, can be quite dangerous. She noted that most of the testimony presented at the public hearings had come from people who live along the Great Highway; and observed that no one had yet represented residents of 19th Avenue, Sunset Boulevard, 7th Avenue, and other residential streets which might be impacted if the Great Highway were to be closed.

Mr. Tashman stated that he travels on the Great Highway, connecting with interstate 280, at least four times a week; and he indicated that he knows people in Marin County who use that same route to get to the San Francisco International Airport. As a result, he felt that the Great Highway is being used as a link in the freeway system.

Kenneth Deluca, 1626 Great Highway, stated that he had attended the general membership meeting of SPEAK on the previous evening; and he acknowledged that a great deal of concern had been expressed about traffic problems at that meeting. However, he felt that the Commissions should also be concerned about preserving areas of natural beauty instead of addressing the issue in terms of whether the Upper Great Highway should be replaced with a four-lane roadway or a two-lane roadway. He remarked that Ocean Beach is a wonderful resource; and he felt that it would be violated by a four-lane roadway.

Shari Mann, representing the Sunset-Ocean Beach Committee, stated that she had understood that the proposed sewer would be relocated from the east side of the Great Highway to the west side of the Great Highway for safety reasons; and she questioned the logic of placing a roadway in an area which may be unsafe. If a poll were taken of members of the public present in the meeting room, some would probably favor replacement of the Upper Great Highway with a four-lane roadway while others would favor only a two-lane roadway or no roadway at all. Her personal feeling was that a two-lane roadway would be sufficient, particularly in view of the fact that statistics available did not show a need for a four-lane roadway. In any case, she felt that the portion of the Great Highway between Sloat Boulevard and Skyline Boulevard should be closed.

Larry Erickson, 1237 Cole Street, stated that his mother had almost been killed in a head-on collision on the Great Highway. As a result, whether the Great Highway is reconstructed as a two-lane road or as a four-lane road, he felt that the roadway should be divided by a concrete retaining wall. He also suggested that it would be important to separate bicyclists from motorists and to separate horses from motorists and bicyclists. A recommendation had been made that stop signs should be installed along the Great Highway at two-block intervals. However, he believed that installation of a large number of stop signs would only increase noise and gasoline pollution; and, in addition, the stop signs would reduce gasoline mileage. In conclusion, he stated that he would like to have some sort

of a roadway along Ocean Beach which could be used by police cars, ambulances, or people who need to get somewhere quickly under emergency circumstances.

David Ferguson, 1241 3rd Avenue, stated that he favored replacement of the Upper Great Highway with a divided two-lane roadway. He remarked that Stanley Park in Vancouver, British Columbia, does not have roadways along the water's edge; yet, many people visit that park on weekends. While it might appear to the Commissioners that the only people favoring a "no road" alternative for the Great Highway are those who live near Ocean Beach, he stated that he had talked with people from all parts of the city who favor that alternative. In conclusion, he read a letter which had been submitted to the Commissioners by Jude Laspa, President of the Eureka Valley promotion Association, which read as follows:

"At the regular membership meeting for September, the Eureka Valley Promotion Association voted the following resolution:

"Since it has come to our attention that it is planned to restore a four lane Great Highway concurrent with construction of the West Side Sewage Transport line, it is

"RESOLVED THAT: the Eureka Valley Promotion Association members believe that the optimal use of San Francisco's Ocean Beach is that of recreation and this recommended 4 lane plan conflicts with that recreational use.

"Our Association supports adoption of a Great Highway with a maximum of two traffic lanes, plus bicycle lanes, and the inclusion of public transit on the highway to improve non-auto beach access, with preservation of all pathways and open space during construction of the sewage transport and the highway."

Joseph Balanesi, Jr., representing the Parkside District Improvement Club, Inc., stated that traffic on 19th Avenue is already extremely heavy; and, if the Upper Great Highway were to be closed, he did not feel that motorists should be told to use 19th Avenue or to stay home. He remarked that approximately 100,000 people reside in the Sunset-Parkside District to the east of the Great Highway; and, while he could understand why people living on the Great Highway itself might want the Beach to be turned into a park, he felt that the needs of other residents of the area should be considered. If the Upper Great Highway were to be closed, or if it were to be replaced with a single lane in each direction, motorists would select other routes through the adjacent residential areas; and he believed that 19th Avenue and Sunset Boulevard would be the alternate routes chosen by most motorists. He remarked that 19th Avenue is developed primarily with single-family homes which are well maintained; and he felt that

those property owners deserve as much protection from city agencies as people who live on the Lower Great Highway. Sunset Boulevard terminates in Golden Gate Park; and, if the Upper Great Highway were to be closed to protect Ocean Beach, he felt that traffic in Golden Gate Park would be significantly increased. To take such an approach would be "robbing Peter to pay Paul". He felt that it is clear that more people use Golden Gate Park than Ocean Beach at the present time, and he believed that more people would continue to use Golden Gate Park than Ocean Beach even if the beach were returned to its natural state. Furthermore, he questioned whether a four-lane roadway could really be considered to be an intrusion into the recreational area along Ocean Beach. He remarked that the beach exists in an open setting; and he emphasized that urban recreational needs are different from the recreational needs of people living in non-urban areas. Many residents of the city would not be able to enjoy Ocean Beach if a roadway were not available for scenic driving along Ocean Beach at all times. He acknowledged that a four-lane roadway at Ocean Beach would constitute somewhat of an intrusion. However, the peak traffic loads on the roadway would be during the early morning and late afternoon hours; and he believed that the roadway and the recreational aspects of the beach could co-exist in a compatible way most of the time. However, he felt that it was essential that a four-lane roadway should be reconstructed to replace the existing Upper Great Highway in order to protect the residential areas to the east from additional traffic.

Doris Surian, 1280 Great Highway, stated that the Great Highway area needs to be upgraded; and, as a result, she was anxious to force implementation of some of the recommendations which had been made by Mr. Painter. However, she felt that the Great Highway should remain open south of Sloat Boulevard because of the scenic quality of that area. She also indicated that she would be opposed to installation of cul-de-sacs on the Lower Great Highway since they would impede accessibility to the adjacent residential areas. Whether the Upper Great Highway is reconstructed as a two-lane or four-lane roadway, she felt that its purpose should be to serve through traffic.

John Harrold, 1837 48th Avenue, expected that replacement of the Upper Great Highway with a two-lane roadway would result in bumper-to-bumper traffic. Furthermore, he felt that it was inappropriate to refer to the four-lane roadway which had been recommended by Mr. Painter as a "freeway". In fact, the recommended roadway would have only two lanes in each direction; and he felt that the plans which had been prepared by Mr. Painter were excellent. Under the proposed plan, Ocean Beach would be accessible to all people whether they use private automobiles, bicycles, horses, public transit or their own feet. In his opinion, implementation of the plan which had been proposed by Mr. Painter would serve the greatest number of people; and he indicated that he was very much in favor of replacement of the Upper Great Highway with a four-lane roadway which would have two lanes in each direction.

Ron Treabess, representing the Golden Gate National Recreation Area and National Park Service, summarized the remark he had made during the public hearing on September 15, indicating that the National Park Service favored replacement of the Upper Great Highway with only a maintenance road which would not be open to the general public. The same treatment was recommended for the portion of the Great Highway from Sloat Boulevard to Skyline Boulevard. However, the National Park Service was not proposing any reduction in the number of traffic lanes between the Cliff House and Golden Gate Park. He advised the Commission that youngsters employed by a summer youth program had made demonstration plantings of beach grass at different locations along Ocean Beach and had used different irrigation and fertilizing techniques in the various planting locations. To date, the rate of growth has varied from 9 inches to 1½ feet in height. He indicated that the Golden Gate National Recreation Area will continue to monitor the demonstration planting; and, in addition, it intends to monitor wind conditions in the area. With regard to the issue of traffic, he felt that the best approach would be to close the Upper Great Highway on a test basis; and everyone concerned would then have an opportunity to determine how people's driving habits might change and what the net impact of the closure would be. If a new two-lane or four-lane roadway is constructed, the National Park Service would not be willing to accept responsibility for maintenance beyond the western curb of the roadway. However, if either the 'no-road' or the maintenance road alternative is selected, the National Park Service would more than likely be willing to accept responsibility for complete maintenance of the area. However, before the National Park Service considers the issue of maintenance, the city will have to decide which alternative it favors.

Commissioner Bierman stated that she was very concerned about the impact which the closing of the Upper Great Highway would have on adjacent residential areas and on Golden Gate Park. It seemed to her that the Golden Gate National Recreation Area, in looking to its own interest in the Ocean Beach area, had disregarded the possible impact which closing of the Upper Great Highway would have on Golden Gate Park, which is in itself a major recreation resource.

Commissioner Eickman expressed concern about the fact that the proposed alignment for the new Upper Great Highway projected into Golden Gate Park adjacent to the soccer field. Mr. Painter stated that the plans had been revised to remove the roadway from areas within the park; and he indicated other changes were being made in response to comments received from members of the public.

President Rosenblatt asked if he were correct in understanding that the California Coastal Zone Commission would have final permit approval with regard to the type of roadway which will replace the existing Upper Great Highway. Mr. Sklar replied in the affirmative.

At this point in the proceedings, the public hearing was closed. The City Planning Commission indicated its intention to consider a Master Plan referral on the Great Highway issue during its meeting on October 6. The Recreation and Park Commission indicated that it would undertake further consideration of this matter on October 13.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted

Lynn E. Pio,
Secretary

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SAN FRANCISCO

CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 6, 1977.

The City Planning Commission met pursuant to notice on Thursday, October 6, 1977, at 1:30 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Edward Michael, Planner III; Nathaniel Taylor, Planner III; Marie Zeller, Planner III; Jonathan Twichell, Transit Planner III; Gary Craft, Planner II; Robert Feldman, Planner II; Dave Fulton, Planner II; Kit Hermann, Planner II; Paul Rosetter, Planner II; Edward Green, Planner I; David Lynch, Planner I; Carol Sugarman, Planner I; Barbara Sahm, Environmental Review Analyst; Kosrof Chantikian, CETA Staff Aide I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that the minutes of the regular meeting of September 8, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that he will be in Kansas City the first part of next week attending the annual conference of the American Institute of Planners.

The Director again announced that a public hearing will be held by the Commission on October 20 to review suggestions for the Department of City Planning's Budget and Work Program for the next fiscal year.

At this point in the proceedings, Commissioner Wentz arrived in the meeting room and assumed his seat at the Commission table.

The Director reported that the Finance Committee of the Board of Supervisors, meeting on Wednesday, had postponed action on a resolution authorizing use of Community Development funds for an Ocean Avenue Commercial District Improvement Program.

The Director informed the Commission that the Board of Supervisors has not yet granted authorization for him to apply for funds to assist the Department of City Planning in preparing a response to the Association of Bay Area Governments' (ABAG) Environmental Management Plan. However, he indicated that he had submitted a proposed work program to the Board for review in response to a -- request made by a member of the Board.

The Director reported that the Department of City Planning has initiated a new procedure of sending a letter to applicants for zoning changes and conditional uses suggesting that they attempt to meet with concerned neighborhood organizations, as identified by the staff, to discuss their proposals prior to the Commission's hearing on their application.

The Director informed the Commission that a summer intern, working under the direction of Nancy Gin, Planner II, had reorganized the Control Procedures used by the Enforcement Section of the Department of City Planning. At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Starbuck requested the staff of the Environmental Review Section of the Department of City Planning to include specific information in the amendment which is being prepared for the Environmental Impact Report for a proposed office building at 444 Market Street.

Commissioner Starbuck requested the staff of the Department of City Planning, upon completion of its survey of existing residential care facilities and halfway houses, to depict the location of such facilities on a city-wide map.

CONSIDERATION OF DRAFT RESOLUTION URGING THE LANDMARKS PRESERVATION ADVISORY BOARD TO PREPARE THE NECESSARY DOCUMENTS AND LEGISLATION FOR DESIGNATION OF INDIVIDUAL BUILDINGS IN THE CIVIC CENTER AREA AS LANDMARKS AND FOR DESIGNATION OF THE CIVIC CENTER AS AN HISTORIC DISTRICT.

Rai Y. Okamoto, Director of Planning, noted that the Foundation for San Francisco's Architectural Heritage had submitted nomination forms for the San Francisco Civic Center to the National Register of Historic Places; however, he felt that designation of the Civic

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Center as an Historic District at the local level by the City and County of San Francisco would be more appropriate. Therefore, he recommended adoption of a draft resolution which contained the following resolved clauses:

"NOW THEREFORE BE IT RESOLVED, That this City Planning Commission does hereby initiate the designation of the properties in the Civic Center area as a Historic District pursuant to the provisions of Article 10 of the City Planning Code;

"AND BE IT FURTHER RESOLVED, That this Commission hereby requests the Landmarks Preservation Advisory Board to review this proposal for its conformity with the purposes and standards of Article 10, and upon completion of said review to submit its findings to the Commission at or prior to a public hearing scheduled for this matter;

"AND BE IT FURTHER RESOLVED, That

- "1) the precise location and boundaries of the Historic District are those indicated as 'Heritage - Recommended National Register District Boundary' on the map entitled 'Boundary Study, Civic Center Historic District October 6, 1977.'
- "2) the description of the special character or special historical, architectural and aesthetic interest and value shall be as described and depicted in the photographs and other material on file in the Department of City Planning Docket HD77.1 and as more fully set forth in the above named nomination forms of the Civic Center area to the National Register, a copy of said forms being on file in said Docket in the records of the Advisory Board at 100 Larkin Street."

Robert Passmore, Planner V (Zoning), called attention to a map which was on display in the meeting room which reflected the boundaries for the Historic District as recommended by the Foundation for San Francisco's Architectural Heritage in a solid line. He noted that the map also contained broader boundaries delineated by a broken line which had previously been considered by the Landmarks Preservation Advisory Board. He stated that the staff was recommending that the area to be initiated for designation by the Commission be contained within the narrow boundaries. If the broader boundaries were to be used, more private property owners would have to file for a Certificate of Appropriateness if they wish to alter or demolish their buildings during the time that the proposal is under consideration by the Landmarks Preservation Advisory Board and the Commission. If any permit applications were filed for buildings in the broader area which might have a detrimental effect on the Civic Center area, those applications could still be brought before the Commission for discretionary review.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that this matter had been discussed by her board on the previous afternoon; and the Board had voted to urge the Commission to initiate the designation. However, she wished to emphasize that the Board does not have sufficient staff resources to prepare a draft ordinance and guidelines for new construction in the area within the prescribed 180 day period; and she indicated that it would be necessary for the Director of Planning to assign someone to this project. In conclusion, she stated that she was fairly certain that the Landmarks Preservation Advisory Board would recommend that the area to be designated should be defined by the broader boundaries which had previously been considered.

President Rosenblatt, noting that three parcels of privately owned property are within the narrower boundaries, asked if the owners of those parcels of property had received notice that this matter would be considered by the Commission.

Edward Michael, Secretary of the Landmarks Preservation Advisory Board, replied in the negative but indicated that a representative of the Civic Center branch of Wells Fargo Bank was present in the audience.

Mr. Passmore stated that it was his understanding that the owners of the private properties had been notified by Heritage that the Civic Center had been nominated to the National Register of Historic Places.

Commissioner Dearman expressed the opinion that the Commission should limit its consideration to initiating designation of the smaller area if the owners of private properties in the area between the solid line and the broken line on the map had not been notified of the Commission's meeting.

Tony Harold, a representative of the Civic Center branch of Wells Fargo Bank, remarked that the narrower boundaries included only a portion of their building which faces onto Civic Center, together with two parking lots. If the Civic Center Historic District is eventually created, he hoped that the broader boundaries would be used so that the portion of their building fronting on Market Street would be included within the Historic District.

The Director stated that the staff of the Department of City Planning would attempt to accomplish all of the work which needed to be done within the prescribed 180 day period; however, he hoped that the staff would be able to obtain assistance from Heritage.

Randolph Delahanty, representing the Foundation for San Francisco's Architectural Heritage, stated that the Civic Center branch of Wells Fargo Bank is important because its north facade is on an alignment which used to correspond with the alignment of former City Hall Avenue; and he hoped that representatives of the bank

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would assume a leadership role in helping the owners of other private properties in the Civic Center area to realize the potential benefits which they would enjoy if the Civic Center area were to be designated as a Historic District.

After further discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Wentz, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7807.

R77.45 - PROPOSED PLAN FOR DEVELOPMENT OF THE GREAT HIGHWAY BETWEEN LINCOLN WAY AND SLOAT BOULEVARD AND ASSOCIATED IMPROVEMENTS TO OCEAN BEACH, CONTAINED IN THE REPORT TITLED "REDESIGN PLAN FOR THE GREAT HIGHWAY" DATED SEPTEMBER, 1977, PREPARED FOR THE MAYOR'S OFFICE OF WASTEWATER MANAGEMENT.

Kit Hermann, Planner II, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The redesign scheme for the Great Highway and Ocean Beach is described in the report entitled 'Redesign Plan for the Great Highway' by a design team headed by Michael Painter and Associates. The proposal included in the report is a conceptual redesign scheme for the Upper Great Highway, treated in four sections: Sutro Heights Park to Fulton Street; Fulton Street to Lincoln Way, through Golden Gate Park; Lincoln Way to Sloat Boulevard; and Sloat Boulevard to Skyline Boulevard, past the zoo.

"The concept plan for the section between Lincoln and Sloat, the subject of this referral, is a proposal for a recreational corridor with provision for pedestrians, cyclists and equestrians, and re-configuration of the existing dune and beach profile into a broader landscaped system; replacement of the Great Highway itself is proposed with three alternatives: (1) a four-lane roadway, (2) a two-lane roadway, and (3) a two-lane service road not open to private vehicles.

"The Wastewater Management Program of the City would implement the redesign insofar as can be directly borne by funding for replacement of the Great Highway and mitigation measures necessary on account of the construction of the West Side Transport Storage and pump station. This funding would cover the majority of the costs for replacement of the Upper Great Highway and Ocean Beach

improvements from Lincoln Way to Sloat Boulevard. Changes to the Lower Great Highway and undergrounding of other utilities are being considered for funding. South of Sloat Boulevard next to the zoo, funding will be available for redesigned replacement of the Great Highway for the part directly affected by construction of the pump station. Funding available for implementation of the section adjacent to Golden Gate Park will not be resolved until further study by Wastewater Management regarding the existing treatment plant and the Master Plan for Golden Gate Park by the Recreation and Parks Department have been completed.

"The existing Great Highway from Lincoln to Sloat is a straight, high-speed roadway used during the week by mainly non-recreational traffic. There are effectively four lanes, which are periodically blocked altogether by drifting sand from the dunes of Ocean Beach. Access to the beach is limited by the roadway due to high-speed traffic and the prohibition of parking. Three pedestrian tunnels under the roadway are long, narrow and increasingly deteriorated.

"The plan for the Great Highway described in the Painter report was developed in response to the following Master Plan policies which specifically describe a redesigned Great Highway:

"Recreation and Open Space Element

San Francisco Shoreline, Policy 9: Provide new public parks and recreational facilities along the shoreline.

"Great Highway: Develop entire Great Highway right-of-way into a smooth curvilinear recreational drive through a park area. Emphasize show pleasure traffic and safe pedestrian access to the beach. Provide new parking areas on beach side where plan allows. Design parking to afford maximum protection to dune ecosystem. Create new playgrounds on inland side for adjacent neighborhoods, and provide for bicycle pedestrian and equestrian activities.

"Ocean Beach: Continue as natural beach area for public recreation. Improve and stabilize sand dunes where necessary with natural materials to control erosion.

"Transportation Element

"Thoroughfares Plan, Objective 1: Establish a thoroughfares system in which the function and design of each street are consistent with the character and use of adjacent land.

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"Great Highway: The design capacity of this road should be reduced substantially to correspond to its recreational function: emphasis to be on slow pleasure traffic and safe pedestrian crossings.

"Recreational Street: a special category of street whose major function is to provide for slow pleasure drives, cyclist and pedestrian use; more highly valued for recreational use than for traffic movement. The order of priority for these streets should be to accommodate: 1) Pedestrians, hiking trails or wilderness routes, as appropriate; 2) Cyclists; 3) Equestrians; 4) Automobile scenic driving. This should be slow and consistent with the topography and nature of the area. There should be adequate parking outside of natural areas.

"In addition to these specific policies of the Master Plan, Board of Supervisors Resolution No. 195-77 endorses the establishment of a curvilinear roadway having two lanes in each direction, new parking areas along the roadway, new pedestrian access to the beach, and new playgrounds to enhance the use and enjoyment of the Ocean Beach area by residents of the adjacent neighborhood and other users of the beach."

"Other more general policies of the Master Plan which apply to this proposal include:

"Conservation Element

"General Objective 1: Achieve a proper balance among the conservation utilization, and development of San Francisco's natural resources.

"Policy 1: Conserve and protect the natural resources of San Francisco.

"Policy 2: Improve the quality of natural resources.

"Policy 3: Restore and replenish the supply of natural resources.

"Urban Design Element

"City Pattern: Emphasis of the characteristic pattern which gives to the City and its neighborhoods an image, a sense of purpose and a means of orientation.

"Conservation: Conservation of resources which provide a sense nature, continuity with the past and freedom from overcrowding....Natural areas and features such as sand dunes, cliffs, hills and beaches - particularly where a relatively undisturbed natural ecology exists - are irreplaceable and of special public value and benefit within an intensely developed city.

"Neighborhood Environment: Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

"Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.
Policy 14: Separation of pedestrian and vehicle movement eliminates conflicts and contributes to pedestrian comfort.

"The widening and lowering of the profile of the Great Highway/Ocean Beach recreational corridor with dune restoration, planting and recreational trail system which is proposed in the Painter report conforms with the Master Plan policies which call for preservation and renewal of the City's unique and natural resources. In addition, while limitations for commuter access along the Great Highway may respond to policies which call for a natural restoration of the beach area and creation of a more recreational roadway, policies for improved public access to recreation areas and protection of neighborhoods from excessive traffic make the alternative of a four-lane roadway for the Great Highway redesign preferred with respect to the Master Plan.

"The alternative of a two-lane roadway would result in increased traffic overflow from the Great Highway, diverting existing non-recreational traffic onto neighborhood streets during the week and substantial diversion of weekend recreational traffic; both effects are in conflict with policies calling for recreational access to the beach and protection of neighborhoods from increased non-local traffic. The alternative of a two-lane service road not open to private vehicles is in direct non-conformity with the Master Plan policy for a public recreational roadway along Ocean Beach."

Rai Y. Okamoto, Director of Planning, made the following recommendation:

"It is recommended that the Director be authorized to report that the proposed redevelopment of the Great Highway and Ocean Beach recreational corridor with a four-lane roadway between Lincoln Way and Sloat Boulevard is in conformity with the Master Plan. It is recommended that analysis be undertaken in consultation with the Department of City Planning during the design phase of the project development to include a comprehensive transportation system management plan, to include:

- "1. Determination of specific amounts of parking necessary, based on future recreational and nonrecreational travel (including encroachment on residential streets); and

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- "2. A transit action plan, coordinated with the GGNRA transit program, to determine location and number of transit facilities;

and that final plans shall be reviewed by the Department of City Planning.

"Furthermore, prior to future Master Plan Referral on the cul-de-sac treatment of the Lower Great Highway and proposed intersections with the Upper Great Highway, determination of specific traffic impacts on residential neighborhoods resulting from these proposed changes should be made. Finally, closure of the Great Highway extension would enhance the recreational quality of the Great Highway, increase and improve the natural character of the shoreline and conform with the plan proposed in the Zoo Master Plan. Closure should be further investigated to determine the anticipated effect on traffic in adjacent neighborhoods, taking into account a redesign of the Sloat/Skyline and Sloat/Great Highway intersections."

Michael Painter, head of the design team which had prepared the report on the Great Highway for the Wastewater Management Program, indicated that a number of people had asked if the proposed four-lane roadway would be designed as a high-speed thoroughfare; and he stated that he had submitted additional graphic material to clarify the fact that the proposed roadway would not be designed for high-speed traffic. The graphic materials indicated that the proposed roadway would have a total width of 62 feet, including a 14 foot median strip, whereas a typical four-lane high-speed freeway would have a total width of 98 feet. He also emphasized that the roadway would be designed as a curvilinear parkway and not as a straight road.

Commissioner Dearman asked if the proposed roadway would have a parking strip. Mr. Painter replied in the negative, indicating that the availability of parking on the roadway would encourage people to get out of their automobiles and to trample the sand dunes which are quite fragile in nature. With two lanes in each direction, traffic would still be able to move if a vehicle were stalled. However, if only one lane were to be provided in each direction for moving traffic, an eight foot wide emergency lane would have to be provided. However, that lane would be marked as a "no parking" zone.

Commissioner Dearman stated that she would be somewhat uncomfortable with approving a plan for replacement of the Great Highway between Lincoln Way and Sloat Boulevard when no decision had yet been made with regard to how much parking should be provided and where it should be located; and she wondered why the Commission was being asked to consider only one portion of the reconstruction project at this time. Ms. Hermann replied that

the Director of Public Works had asked for Master Plan review of only a portion of the project between Lincoln Way and Sloat Boulevard at this time. The remaining components of the project will be brought before the Commission for Master Plan review in the future.

Commissioner Bierman, noting that Mr. Painter's plans had been changed so that the new roadway north of Lincoln Way would no longer project into Golden Gate Park, asked how many lanes would be provided on the Great Highway in that area. Mr. Painter replied that a four-lane roadway was being proposed for that area. He indicated that the existing Great Highway has six lanes in that area.

Selina Bendix, Environmental Review Officer, stated that the designs of wastewater facilities north of Lincoln Way and south of Sloat Boulevard have not yet been completed; and, as a result, the city was not prepared to finalize plans for replacement of the Upper Great Highway in those areas.

After further discussion, Commissioner Bierman moved that the Director be authorized to report to the Director of Public Works on this matter in accordance with recommendation which he had offered to the Commission. However, as the staff of the Department of City Planning becomes involved in its review of specific proposals for the cul-de-sac treatment of the Lower Great Highway and intersection of local streets with the Upper Great Highway, he hoped that meetings would be held in the adjacent neighborhood to discuss those proposals with residents of the area.

The motion was seconded by Commissioner Dearman. However, she again expressed concern about the fact that the Commission was being asked to act on the overall project in a piece-meal fashion.

Commissioner Starbuck stated that he intended to vote against the motion. He remarked that the Upper Great Highway had been closed for the equivalent of two months this year; and he felt that those closures had provided an empirical test of the potential effects of a total closure of the Upper Great Highway. He stated that he had taken a field trip to the area and had talked with residents of the Lower Great Highway and 47th and 48th Avenues; and, in addition, he had reviewed newspapers which had been published during the times when the Great Highway was closed earlier in the year. In neither case had he found evidence to support an argument that closing of the Upper Great Highway would have an adverse impact on the adjacent residential area. While the proposed four-lane road would have a narrower right-of-way than the existing Upper Great Highway, it would still have as much vehicular capacity. While a curvilinear alignment might be attractive to the eye, it would take away more open space than would a straight roadway. Since the existing roadway must be removed for construction of the new sewer, he felt that the city should grasp the opportunity being offered for improvement of the Ocean Beach Recreational Area which is San Francisco's second most important recreational area after

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Golden Gate Park; and he did not feel that high-volume, high-speed roadway would be compatible with a recreation area. He also emphasized that the Ocean Beach Recreation area will be used by people for generations to come; and he felt that responsible people in this century should have at least as much foresight as their predecessors a century ago, who set aside space for Golden Gate Park in the face of opposition claiming that too much land was being reserved for the park.

Commissioner Bierman stated that she had given this matter a great deal of thought. While she appreciated the fact that residents of the Great Highway area want Ocean Beach to be a special area, she remarked that the ocean will continue to exist and will continue to deposit sand on the shore; and, hopefully, the beach will be developed as a park. If the Upper Great Highway were not to be reconstructed after completion of the new sewer, she believed that traffic which is now carried by the Upper Great Highway would be diverted through Golden Gate Park, bringing pressures for construction for new roads in the park; and she believed that the additional traffic and roadways would ruin the park.

Commissioner Dearman stated that she had seconded the motion because she shared the concern which had been expressed by Commissioner Bierman concerning the protection of Golden Gate Park. Furthermore, while it would be nice for San Francisco to have a waterfront comparable to that provided by Stanley Park in Vancouver, British Columbia, she realized that Ocean Beach does not provide the potential for the same type of recreational use as Stanley Park.

President Rosenblatt noted that the Director had recommended that the Commission find that reconstruction of the Upper Great Highway as a "four-lane roadway" would be in conformity with the Master Plan; however, in view of the fact that the design of four-lane roadways can vary greatly, he felt that the Commission should specify that it is approving a four-lane "recreational" roadway. Commissioners Bierman and Dearman agreed to modify their motion and its seconding accordingly.

Commissioner Wentz stated that he felt that the plans which had been prepared by Mr. Painter represented an admirable approach to the problem of combining recreational activities with vehicular movement. Furthermore, he did not believe that the temporary closing of the Upper Great Highway had provided reliable data on what would occur if the Upper Great Highway were to be closed on a permanent basis. Faced with a permanent closing of the roadway, motorists would seek alternate routes; and he believed that motorists presently using the Upper Great Highway would elect to travel on 19th Avenue, which is already used beyond capacity, and Sunset Boulevard, which is also heavily used.

Commissioner Starbuck observed that the city will have a prolonged opportunity to observe the effects of closure of the Upper Great Highway while the sewer is under construction; and he

indicated that he would be prepared to change his point of view if his assumptions are proved wrong as a result of that closure.

When the question was called, the Commission voted 6-1 to authorize the Director of Planning to transmit his recommendation to the Director of Public Works, providing that it is made clear that the Commission, in taking its action, had been endorsing a four-lane "recreational" roadway. Commissioners Bierman, Dearman, Elliott, Nakashima, Rosenblatt, and Wentz voted "Aye"; Commissioner Starbuck voted "No".

CONSIDERATION OF DRAFT RESOLUTION URGING HOSPITALS AND MEDICAL CENTERS TO INFORM OTHER MEDICAL GROUPS OR INSTITUTIONS OF PROPOSED PROJECTS REQUIRING CONDITIONAL USE APPROVAL BY THE CITY PLANNING COMMISSION PRIOR TO THE PUBLIC HEARING REQUIRED BY THE COMMISSION FOR SUCH PROJECTS.

Robert Passmore, Planner V (Zoning), stated that this matter had been calendared at the request of President Rosenblatt. He then distributed copies of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission hereby requests the Department of City Planning to notify all hospitals and sanitariums that may seek conditional use authorization that the Commission urges that such institutions, prior to submitting a conditional use application contact the West Bay Hospital Conference, and hospitals in San Francisco to discuss sharing of facilities or developing areas of specialization so that proposed projects will not unnecessarily duplicate similar facilities and services offered in nearby locations or jeopardize the economic viability of existing facilities in the area; and

"BE IT FURTHER RESOLVED, That the City Planning Commission requests the Department of City Planning give appropriate notice to the West Bay Hospital Conference and San Francisco hospitals and sanitariums, in addition to the West Bay Health Systems Agency, within 10 days of the filing of a conditional use application with the Department by a hospital or sanitarium."

Mr. Passmore stated that he had notified the West Bay Hospital Conference that this matter would be considered. Their representative had indicated that he would not be able to attend the Commission's meeting; and he had requested that adoption of the resolution be postponed so that he would have an opportunity to comment on it. Mr. Passmore stated that neither individual hospitals nor the West Bay Health Systems Agency had been notified that the matter would be considered.

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President Rosenblatt stated that he had been concerned about the lack of communication between the various hospitals and medical centers in San Francisco; and he had hoped that the Commission could be instrumental in improving the communication between those agencies. However, because the individual hospitals had not been notified that the draft resolution would be considered, he recommended that this matter be continued until notice has been given. In the meantime, he asked members of the Commission to review the language of the draft resolution and to offer any suggestions which they have for improving the draft.

Sue Hestor suggested that the Commission should also request publicly owned medical facilities to communicate with other hospitals in the city even though such institutions would not be required to come before the Commission for conditional use authorization for new expansion projects.

Commissioner Wentz asked if there is no centralized agency in San Francisco which has responsibility for reviewing proposed additions to hospitals. President Rosenblatt replied that the West Bay Health Systems Agency will have responsibility under Federal and State law for reviewing hospital expansion projects costing an amount in excess of \$100,000; however, that agency is just being formulated.

Ms. Hestor stated that she felt that the procedure proposed in the draft resolution would be a good supplement to the West Bay Health Systems Agency review procedure. She remarked that that agency will not be reviewing all proposals for all expansion hospitals in San Francisco; and some hospitals do not have a sufficiently large staff to be able to maintain close liaison with the West Bay Health Systems Agency to be appraised of what other hospitals are doing.

At this point in the proceedings, Commissioner Starbuck temporarily absented himself from the meeting room.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until such time as the hospitals involved have been notified that it is under consideration.

At 3:05 p.m., President Rosenblatt announced a ten-minute recess. The Commission reconvened at 3:15 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Starbuck reassumed his seat at the Commission table. Commissioner Dearman was temporarily absent from the meeting room.

RS77.19 - JOINT PUBLIC HEARING WITH THE DIRECTOR OF PUBLIC WORKS ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION OF A 45 UNIT BUILDING AT 930 PINE STREET.

Alec Bash, City Planning Coordinator, stated that the proposal was to convert a 45 unit rental apartment building into 45 condominium units. He indicated that the building was constructed in 1972 and has three residential levels, with nine studio apartments, 34 one-bedroom apartments, and two two-bedroom units over a parking level with 45 stalls. Present monthly rentals range from \$300 to \$550; and proposed sales prices would range from \$48,000 to \$105,000. Given the current rental rates, the units to be converted would not be considered as part of the city's low or moderate income housing stock.

No one was present to speak in opposition to the applicant's proposal.

Rai Y. Okamoto, Director of Planning, recommended that the condominium conversion subdivision be approved as consistent with the Master Plan subject to the following conditions:

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.
3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code.

Commissioner Wentz remarked that the Commission, in acting on a recent proposal for condominium conversion of another building, had included in its resolution a condition specifying that a specific amount of time would be given for the relocation of people who did not wish to purchase the apartments which they have rented; and he asked if the staff had intended to omit such a condition from the draft resolution presently under consideration.

Mr. Bash stated that the subdivision code provides that present occupants may not be evicted for a period of 30 days after the final subdivision map has been recorded. That provision generally allows present tenants approximately two months following the date of the Commission's hearing to relocate. Under the circumstances, the Commission had generally not established a requirement for an extension of the relocation. Unless tenants of the building involved have made a specific request for such an extension.

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After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7808.

George Woo, representing the Director of Public Works, was present for the consideration of this matter but did not take any action.

At this point in the proceedings, Commissioner Dearman returned to the meeting room and reassumed her seat at the Commission table.

CU77.48 - 683-685 FOURTEENTH STREET, SOUTH LINE, 60 FEET EAST OF MARKET STREET AND 50 FEET WEST OF LANDERS STREET. REQUEST FOR AUTHORIZATION FOR A VETERINARY HOSPITAL IN AN EXISTING TWO-FLAT BUILDING; IN A C-2 USE AND 80-B HEIGHT AND BULK DISTRICT. (EE77.269)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on Fourteenth Street and a depth of 133.271 feet for a total area of 3,331.8 square feet of lot area. The property is occupied by a building which contains two flats over a garage which can accommodate four automobiles. The applicants proposed to convert the space in the garage to a veterinary hospital and to convert the two flats into commercial offices so as to eliminate the City Planning Code off-street parking requirement.

Commissioner Wentz asked why off-street parking spaces would be required for residential units and not for commercial uses. Mr. Passmore replied that off-street parking is required for commercial uses only when they total more than 5,000 square feet of floor area.

Diana Phillips, one of the applicants, stated that she had spent more than a year looking for an appropriate site for a veterinary clinic; and she indicated that she and her partner had already invested more than \$5,000 in the subject property. She stated that a petition had been signed by 37 individuals who were supportive of the subject application. In addition, two letters of endorsement had been addressed to the Commission. Both the Eureka Valley Promotion Association and the Eureka Valley Merchants' Association had expressed approval of the application. If the application were to be approved, landscaping would be installed in front of the building.

Commissioner Bierman asked if the Eureka Valley Promotion Association had been aware that the two residential units in the subject building would be removed from the city's housing stock if the application were to be approved. Ms. Phillips replied in the affirmative.

Joseph Killiam, another applicant, stated that he was aware that the Commission had received letters of opposition to the proposal; and he indicated that he was able to appreciate the concerns which had been expressed. He felt that it would be helpful to discuss the proposal with individuals who had registered opposition; and, as a result, he had tried to contact them personally. He stated that some of the individuals had been willing to discuss the matter; however, others had indicated that they wished to wait until the matter was before the Commission. If the application were approved, he assured the Commission that he and his partner would work with residents of the neighborhood to try to resolve any problems which might arise.

Commissioner Dearman asked if the applicants had attempted to find a site for the proposed use which would not have required the removal of residential units. Mr. Killiam replied that he had been primarily interested in finding a suitable building which is zoned commercially; and he felt that the subject building offered more potential than any of the others which he had seen.

Commissioner Dearman stated that she felt that the proposed facility would be more suitably located around the corner on Church Street between Market and Fourteenth Streets. Mr. Killiam replied that he was not aware that any space was available in that block. He indicated that his initial preference had been for a single story commercially zoned building; however, his search for such a building had not been successful.

Ms. Phillips stated that she and her partner would have been willing to rent the flats in the subject building for residential use. However, in accordance with the City's regulations, off-street parking spaces would have to be made available in the building if the flats were to be used residentially; and, as a result, the garage could not be converted for use as a veterinary clinic. She remarked that there are one hour parking meters on Fourteenth Street and Market Street in the vicinity of the subject property; and meters on Church Street had a fifteen minute limit. She felt that the meters would assure that parking would be available for people visiting the veterinary clinic. Furthermore, she advised the Commission that the clinic would be open on an appointment only basis; and, as a result, the clinic would not attract a large number of automobiles to the area at the same time. She believed that some customers of the clinic would walk to the facility or use public transit. Residents of the neighborhood had also expressed concern about the issue of sound-proofing; and she indicated that their architect is working on that problem. While she was aware that the Commission had been troubled with sound-proofing problems at the Pets Unlimited facility at Fillmore and Washington Streets, she remarked that the proposed facility is in no way comparable to Pets Unlimited.

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Commissioner Dearman asked if animals are allowed on Municipal Railway vehicles. Ms. Phillips replied in the affirmative, indicating that animals may be taken on Municipal Railway vehicles if they are muzzled and on a leash.

Gary Gifford, a real estate agent and a member of the Eureka Valley Merchants Association, stated that he had known the applicants for a considerable amount of time; and he assured the Commission that they were sincere in their intentions. He also indicated that he had spoken with contractors regarding the matter of sound-proofing; and he did not feel that it would be difficult to sound-proof the subject building. He remarked that housing units in the subject building are not really desirable because of the noise on Market Street; and, as a matter of fact, the upper unit in the building is occupied by a rock band at the present time.

No one else was present to speak in support of the subject application.

Mrs. Thomas F. Kennedy Jr., 146 Dolores Street, stated that she had written a letter to the Commission in opposition to the proposed rezoning; and she also stated that she represented other owners of property on Dolores Street. She remarked that there is a shortage of residential flats in San Francisco; and she emphasized that the subject property is on Fourteenth Street and not on Market Street, although she acknowledged that there is a considerable amount of noise in the area. She objected to the effective removal of two flats which have off-street parking spaces; and she stated that she was also concerned about the noise which might be generated by the veterinary hospital. While the Eureka Valley Promotion Association may have indicated its endorsement of the proposal, she noted that the subject property is a considerable distance from Eureka Valley; and she suggested that the Dolores Improvement Club should have been consulted about the applicant's proposal.

Ruth McCarthy, representing the San Francisco Federated Teachers Credit Union, advised the Commission that the offices of the Credit Union are adjacent to the subject site; and she indicated that the Credit Union was concerned about the potential noise problem which might be created by a veterinary clinic. Furthermore, the parking situation in the subject neighborhood is already extremely congested; and she felt that the proposed use would aggravate that problem.

David Cusham, representing the San Francisco Federation of Teachers, stated that the Federation offices are in the same building as the Credit Union. He indicated that the Federation represents 5,000 teachers and 2,000 para-professionals and, as a result, the Federation's offices generate a great deal of activity in the area. In addition, the neighborhood has two record stores, a launderette, a new savings and loan facility, and a liquor store. The area is

already experiencing parking problems; and he believed the introduction of another business enterprise would add to the parking burden. He stated that he was opposed to the applicant's request for reclassification of the subject property.

Harold Shain, owner of property across the street from the subject site, stated that he did not know if the proposed veterinary clinic would benefit the neighborhood or if it would harm the neighborhood. However, he believed that the removal of two rental units from the housing stock would contribute to the rising cost of housing in San Francisco; and he did not feel that that would be good for the community. Even if one of the units in the building is presently occupied by a rock band, he remarked that even rock musicians need to have a reasonable place to live. He felt that the dwelling units should be preserved and that the applicants should find a store front building for their veterinary clinic.

Vince Ludden, 36 Landers Street, stated that he had known nothing about the applicant's proposal until he had received the notice of the Commission's hearing. He emphasized that the subject property is not in Eureka Valley; and he encouraged the Commission to check the addresses of the individuals who had signed the petition in support of the proposal. He indicated that the Federated Teachers had caused serious parking problems in the neighborhood; and he did not feel that the subject property would be appropriate for a veterinary clinic.

Augustine Jackson, 691 - Fourteenth Street, stated that he lives in an adjacent building. While Market Street may be noisy, he does not hear the noise from his apartment. Although one of the units in the subject building is presently occupied by a rock band, he did not expect that future owners of the building would be so careless in their selection of tenants. If the reclassification were to be approved and if the veterinary clinic were to be installed in the building, he expected that residents of the neighborhood would eventually have to go to court to get the building sound-proofed. Furthermore, given the fact that a large number of veterinary clinics already exist within a ten block radius of the subject site, he did not believe that the proposed facility is needed; and, in any case, whatever need may exist for the facility would not justify the loss of two residential units. He indicated that he enjoys the garden in back of his building; and he remarked that the garden would not be nearly so enjoyable if the subject building were to be occupied by a lot of "yelping animals".

Norman McKnight, 691 - Fourteenth Street, remarked that the applicants should not have spent money on their project until they had obtained the approval of the Commission for the proposed use; and it appeared to him that they had spent more time drumming up support for the proposal than they had spent in finding a more suitable location for the use.

Mr. Passmore recommended that the application be disapproved. He remarked that the Residence Element of the Comprehensive Plan encourages the retention of existing housing and discourages the conversion of existing housing into non-residential use. Furthermore, he indicated that the applicants had not sufficiently demonstrated that there is a need for the veterinary clinic. He also noted that residents of the subject neighborhood had expressed opposition to the proposed use on the grounds that animal noise and loss of off-street parking would be detrimental to the neighborhood. For those reasons, the staff of the Department of City Planning was recommending that the application be disapproved.

It was moved by Commissioner Dearman and seconded by Commissioner Nakashima that the application be disapproved.

Mr. Killiam stated that one of the reasons that so many veterinary clinics are located in the subject neighborhood is that there are very few areas in the city where such uses are allowed.

Mr. Passmore replied that veterinary clinics may be authorized a principle permitted uses in any C-2 district. He indicated that the Commission had granted a number of conditional use authorizations for such uses. In addition, veterinary clinics are permitted in CM District and Industrial Districts as a Principle Permitted Use.

Mr. Killiam advised the Commission that a trade journal published for veterinarians had recently printed statistics indicating that most cities have at least one practicing veterinarian for each 4 to 8 thousand people living in the community while San Francisco has only one veterinarian for each 11,000 citizens. As a result, he felt that it was apparent that there was a need for additional veterinary clinics in San Francisco.

When the question was called, the Commission voted unanimously to adopt resolution No. 7809 and to disapprove the subject application.

EE77.98 - PUBLIC HEARING ON PROPOSED AMENDMENT TO AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED OFFICE BUILDING AT 333 MARKET STREET.
(THE ENVIRONMENTAL IMPACT REPORT (EE74.224) WAS CERTIFIED AS COMPLETE ON SEPTEMBER 25, 1975.)
THE REVISED PLANS WOULD DELETE A SINGLE-STORY RETAIL BUILDING, RETAIN A LANDSCAPED PARK/PEDESTRIAN PLAZA, AND PROVIDE A NEW FIVE-STORY OFFICE BUILDING (EE74.244 AND EE77.98).

Selina Bendix, Environmental Review Officer, explained the procedures to be followed under the recently enacted provisions for amendment of a certified Environmental Impact Report.

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Paul Rosetter, Planner II, summarized the proposed amendment to the Environmental Impact Report for the proposed project and responded to questions raised by members of the Commission. The Commission then invited public comment on the proposed Environmental Impact Report Amendment and received testimony from Sue Hestor, representing San Francisco Tomorrow.

After further discussion, Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report Amendment, dated October 6, 1977, concerning EE77.98 (EE74.224) Proposed 333 Market Street Buildings is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Amendment in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Amendment does hereby find that the project as amended will not have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under DR77.47, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report, as amended."

It was moved by Commissioner Wentz, seconded by Commissioner Bierman, and carried 6-1 that the draft resolution be adopted as City Planning Commission Resolution No. 7810. Commissioners Bierman, Dearman, Elliott, Nakashima, Rosenblatt, and Wentz voted "Aye"; Commissioner Starbuck voted "No". Commissioner Starbuck explained that he had voted "No" on the motion because neither the Environmental Impact Report nor the Amendment to the Report contained information on the cumulative impact of new offices in the downtown area on air quality, traffic, etc.

Dr. Bendix stated that an indepth study of cumulative impact is being undertaken in connection with another Environmental Impact Report which is now being prepared; and she indicated that such information will be available in Environmental Impact Reports for Downtown office buildings in the future.

A standard tape recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

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DR77.47 - DISCRETIONARY REVIEW OF A PROPOSED OFFICE BUILDING AT 333 MARKET STREET, BUILDING PERMIT APPLICATION NO. 7706790, A 34 STORY 474-FOOT HIGH OFFICE BUILDING WITH A LANDSCAPED PLAZA ON MARKET STREET BETWEEN FREMONT AND BEALE STREETS, WITH APPROXIMATELY 600,000 SQUARE FEET OF FLOOR AREA. (EE74.244 AND EE77.98).

The Secretary called attention to a letter which had been received from Stanley L. Berger, Executive Vice-President of Milton Meyer and Company, requesting that the discretionary review of this project be postponed until the Commission's meeting on October 27,

Rai Y. Okamoto, Director of Planning, recommended that the request for postponement be granted.

It was then moved by Commissioner Dearman, seconded by Commissioner Nakashima, and carried unanimously that the consideration of the discretionary review be postponed until the Commission's regular meeting on October 27.

At this point in the proceedings, Commissioner Bierman temporarily absented herself from the meeting room.

CU77.47 - 755 FONT BOULEVARD, SOUTHWEST LINE, 400 FEET SOUTHEAST OF LAKE MERCED BOULEVARD IN THE PARK MERCED RESIDENTIAL COMMUNITY. REQUEST FOR MODIFICATION OF CONDITIONS ESTABLISHED BY RESOLUTION NO. 7536 ADOPTED ON AUGUST 5, 1976, TO ALLOW A TOTAL OF 60 CHILDREN IN THE MONTESSORI PRE-SCHOOL PROGRAM IN AN EXISTING RECREATION BUILDING WHEREAS THE LIMIT WAS PREVIOUSLY SET AT 35 CHILDREN; IN AN R-3 AND PROPOSED PR (PLANNED RESIDENTIAL) DISTRICT. (EE76.264).

Robert Passmore, Planner V (Zoning), stated that the recreation building, originally used for a variety of recreational uses, has been renovated into a childcare facility throughout. The building contains two main rooms with a total of 2,500 square feet of floor area, in addition to bathrooms. The building is on a half acre of Parkmerced Recreational property which includes tennis courts and open play area. The pre-school program operates in the building from 7:00 a.m. to 6:00 p.m., five days a week. The Commission had granted conditional use authorization for occupancy of the building by 35 children in 1976; and the applicants were now requesting authorization to expand the occupancy to a total of 60 children.

A representative of the Montessori Pre-School Program indicated that he was present to answer any questions which might be raised by members of the Commission.

No one was present to speak in opposition to the application.

Mr. Passmore recommended that the application be approved subject to one condition which was contained in a draft resolution prepared for consideration by the Commission. The condition would limit the occupancy of the pre-school program to a maximum of 60 children.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Nakashima, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7811 and that the application be approved subject to the condition which had been recommended by Mr. Passmore.

CU77.41 - 1200 COLUMBUS AVENUE, NORTHEAST CORNER OF BAY STREET AT JONES STREET.
REQUEST FOR AUTHORIZATION FOR A PARKING LOT FOR APPROXIMATELY 18 AUTOMOBILES TO SERVE A RECORD STORE ACROSS THE STREET; IN A C-2 USE DISTRICT, IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 2, AND IN A 40-X HEIGHT AND BULK DISTRICT. (EE77.274).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is an irregular corner parcel with a total area of 8,005 square feet. The property is presently used for a parking lot for approximately 18 automobiles with temporary landscaping in planter boxes and asphalt paving. The lot has access from both Bay Street and Columbus Avenue, with one curb-cut on Bay Street and two on Columbus Avenue. The property was formerly used as the site of a gasoline service station which was abandoned at least five years ago. Following abandonment of the gasoline service station, the unpaved and unimproved lot was used as an unauthorized parking lot. The Department of City Planning began enforcement action against the illegal use in 1973; and, as a result, the operators of the parking lot filed an application for conditional use authorization for a permanent parking lot with permanent landscaping and screening. The authorization was granted by the City Planning Commission in February, 1974. However, the conditions were not complied with by the Savoy Auto Parts and Garage Company; and that firm subsequently abandoned use of the property. In January, 1976, Tower Records requested a permit for a temporary parking lot on the site until such time as a building could be erected. The Department of City Planning approved the temporary use with a requirement for installation of temporary landscaping. Although the temporary landscaping was installed, it was not maintained. Authorization for use of the site as a temporary parking lot has lapsed; but the property continued to be used for parking. More recently, Tower Records had abandoned plans to erect a building on the site and had filed an application for conditional use authorization for a permanent parking lot for use by its customers. The City Attorney had requested that this matter be given immediate attention by the City Planning Commission since the enforcement action is still pending in Superior Court.

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Robert Tanaka, representing Tower Records, advised the Commission that the firm which he represented had assumed control over the parking lot two years ago. At that time they had paved the lot with asphalt paving and had installed temporary trees and shrubs in boxes. They were now requesting authorization for a permanent parking lot on the site; and he indicated that they would work closely with the Staff of the Department of City Planning in preparing plans for the permanent facility.

At this point in the proceedings, Commissioner Bierman returned to the meeting room and reassumed her seat at the Commission Table.

Commissioner Wentz asked if the parking which would be provided on the subject property would fulfill a City Planning Code requirement for Tower Records or if the lot was merely intended to serve the convenience of the store. Mr. Passmore replied that the parking spaces were not required to fulfill Code requirements.

Randolph Delahanty remarked that he finds on-grade parking to be an extremely wasteful use; and he noted that Tower Records already has a large open parking lot adjacent to its store. Instead of granting authorization for use of another parcel of property for parking, he felt that the Commission should encourage Tower Records to construct a deck over their existing parking lot if they wish to provide additional parking. While he realized that construction of a parking deck would be more expensive than use of a vacant lot for parking, he felt that such an approach would provide the Commission with greater control over the shape of the City.

Commissioner Starbuck stated that he agreed with the sentiments which had been expressed by Mr. Delahanty.

Commissioner Dearman asked if Tower Records intended to charge for use of the proposed parking lot. Mr. Passmore replied in the negative.

Commissioner Wentz asked what would happen if the conditional use application were to be disapproved by the Commission. Mr. Passmore replied that the City Attorney would continue enforcement action against the illegal use; and, at some point in time, the property would once again be a vacant site. The property is subject to height restrictions imposed for the protection of an adjacent parcel of property; and, as a result, he did not know if it would be developed. He recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

It was moved by Commissioner Starbuck and seconded by Commissioner Dearman that the application be disapproved.

Commissioner Starbuck remarked that he felt that the Northern Waterfront area is too impacted with vehicular traffic; and he felt that a parking lot on the subject site would compound that problem. Furthermore, he noted that maintenance of the property has been at quite a low level; and, under the circumstances he was not optimistic that the conditions which had been recommended by Mr. Passmore would be fulfilled within a reasonable period of time.

Ross Sockolov, also representing Tower Records, stated that his firm had paved the property and put in planter boxes as soon as they had acquired the leasehold on the site. However, because of the water shortage, the plants had later died. Plans for the permanent parking lot would conform with the specifications of the traffic engineering bureau of the Department of Public Works; and in addition, the applicants intended to install a watering system on the site. He advised the Commission that Tower Records has a seventy year lease on the site; and he indicated that he did not know how the property would be used if the subject application were to be disapproved.

When the question was called, the Commission voted 4-3 to adopt Resolution No. 7812 and to disapprove the subject application. Commissioners Bierman, Dearman, Rosenblatt, and Starbuck voted "Aye"; Commissioners Elliott, Nakashima, and Wentz voted "No".

CU77.49 - 711 EDDY STREET, SOUTHWEST CORNER OF POLK STREET. REQUEST FOR AUTHORIZATION FOR A 202-UNIT RESIDENTIAL BUILDING FOR THE ELDERLY WHICH WOULD EXCEED THE APPLICABLE 130-BULK STANDARDS OF THE CITY PLANNING CODE; IN A C-2 USE DISTRICT AND A 130-E HEIGHT AND BULK DISTRICT. (EE77.198).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 192.25 feet on Eddy Street and 137.5 feet on Polk Street for a total area of 26,434.4 square feet. The eastern portion of the site is used as a parking lot which accommodates 53 automobiles. The western portion of the site is occupied by a one-story commercial building. The applicants proposed to construct a 13 story, 202 unit residential building for the elderly with 26 off-street parking spaces. The building would have a height of 130 feet. The proposed building would exceed the length standards of the E bulk district by nine feet and the diagonal standard of that district by 14 feet. Mr. Passmore stated that the project qualified for consideration as a bulk exception case because there would be widespread public service benefits realized from the additional housing for the elderly. Furthermore, deviation from the bulk standards would be functionally required for the specific building being proposed. He stated that the building

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had been designed in consultation with the staff of the Department of City Planning; and he noted that only a small portion of the building would exceed the bulk standards. He indicated that most of the portions of the building above the height of 65 feet would conform to the bulk standards. He advised the Commission that the project is being funded by HUD Section 202 funds with Section 8 subsidies for low-income senior citizens. Meal service for the project would be provided by the Sequoias. The health room on the main floor of the building would be used for out-reach program to serve the neighborhood and for medical services for the residents of the building at least once or twice a week.

Robert Bachelor, architect for the applicants, stated that the building would be light in color.

Randolph Delahanty stated that he was concerned about the color of the proposed building. He noted that the building would be adjacent to California Hall, which is one of the most distinctive ethnic halls in San Francisco; and he noted that that building has a unique color. If an unpainted concrete building were to be erected adjacent to California Hall, he felt that the contrast would be most undesirable. Therefore, he urged that the Commission establish a condition requiring that the building be painted a light color.

Mr. Bachelor stated that the design guidelines which had been prepared by the staff of the Department of City Planning for the proposed building had specified that the building should be painted a light color.

Mr. Passmore indicated that the staff of the Department of City Planning would take the color of the building into account as final building plans are being reviewed. He recommended that the application be approved subject to three specific conditions which were contained in a draft resolution prepared for consideration by the Commission.

It was moved by Commissioner Starbuck, seconded by Commissioner Wentz, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7813 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR77.54(CU) - 522 CARTER STREET, WEST LINE, AND SOUTH SIDE OF WALBRIDGE STREET AT THE INTERSECTION OF CARTER STREET AND GENEVA AVENUE. DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A CHURCH IN AN RH-1 DISTRICT. (EE77.263).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a total area of 1.88 acres and slopes upward to the west. He indicated that there is a stand of eucalyptus trees on the northwest corner of the site. The applicants proposed to construct a church with 17,300 square feet of floor space on three levels and with forty-one spaces. The building would provide seating for 500 people. Since the building would be in the middle of the site, the upper portion of the site would be undisturbed. Although churches are principle permitted uses in all zoning districts under existing code provisions, the Interim Residential Zoning Standards initiated by the Commission on May 20, 1976, require conditional use authorization for all churches to be located in residential districts. Until those standards are formally enacted, the Commission is considering such matters under its discretionary review authority with notice being as in conditional use cases.

Richard Reisman, architect for the First Samoan Full Gospel Pentecostal Church, Inc., indicated that he was present to answer any questions which might be raised by members of the Commission.

Sam Leonetti, owner of several acres of property in the area, stated that his property has no access other than by way of Walbridge Street; and he indicated that his concern was that the grade of that street may not be established at a level which would prohibit access to his property.

Mr. Passmore stated that the staff was of the opinion that plans which had been presented would not preclude access to Mr. Leonetti's property from Walbridge Street; however, he felt that the problem was one which the applicants and Mr. Leonetti should resolve to their mutual satisfaction. He recommended that the application be approved subject to specific conditions. He distributed a draft resolution which contained three conditions for consideration by the Commission; and he recommended that a fourth condition be added to the draft resolution specifying that grading and construction on the subject site should be done in such a way as to assure unobstructed access to adjacent properties from Walbridge Street.

Commissioner Wentz noted that the Case Report which had been prepared on this matter had specified that 40 off-street parking spaces would be required for the proposed use; yet, the Negative Declaration indicated that the proposed parking would accommodate only 39 automobiles.

Mr. Passmore stated that the plans had been revised since the Negative Declaration had been prepared; and he indicated that 41 parking spaces would be provided.

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After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Bierman, and carried unanimously that the draft resolution, as amended, be adopted as City Planning Commission Resolution No. 7814 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

ZM77.12 - 700-706 EIGHTH AVENUE, SOUTHWEST CORNER OF
CABRILLO STREET.
R-2 TO A C-1 DISTRICT. (EE77.244)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 50 feet on Eighth Avenue and 120 feet on Cabrillo Street for a total lot area of 6,000 square feet. The property is zoned R-2 and Proposed RH-2 and is subject to a 40-X height and bulk district. The site is occupied by a five-unit residential building with a rear yard 50 feet in depth along Cabrillo Street. The applicant had requested that the property be reclassified to C-1 in order to allow the construction of a one story, 1300 square foot coffee/ice cream/newspaper shop to occupy a portion of the rear yard. The remainder of the rear yard area would be used for a small garden and for three off-street parking spaces.

Mrs. Lin Kim Lennie Lee, the applicant, stated that the immediate neighborhood has no restaurants, coffee shops, or meeting places; and she indicated that she had been asked by residents of the neighborhood to provide a grass roots neighborhood meeting place and service center. A petition had been submitted in support of the requested reclassification. She remarked that the property abuts a property which is occupied by a Safeway Store; and she felt that a small scale neighborhood center type of retail use would be appropriate for her property.

Arden Danekas, President of the Planning Area of the Richmond (PAR), felt that approval of the subject application would represent "spot zoning" of the worst type. In his opinion, the application was "outrageous"; and he felt that it should not have been accepted by the staff of the Department of City Planning. If the application were to be approved, housing units might be lost and parking would be installed in the rear yard area of the property; and he noted that such results would be contrary to the rest of the Interim Residential Zoning Standards which are intended to ensure that backyards will be designed for people and not for automobiles.

William Antoni stated that he had lived in the subject neighborhood for 34 years; and he indicated that there are plenty of eating establishments on Balboa Street one block north of the subject property. He remarked that the neighborhood has a severe parking problem; and he believed that an ice cream shop on the subject property would compound the parking problem. Furthermore, introduction of a commercial use would add to the pollution and the debris in the neighborhood. He advised the Commission that an ice cream

shop had existed on Balboa Street between 7th and 8th Avenues in the 1930's; and he recalled that that use had generated a great deal of traffic. He felt that such a use would not be appropriate in a residential area. Furthermore, if residents of the neighborhood are looking for a place to hold neighborhood meetings, he indicated that there are churches and similar facilities in the area which can meet that need.

Daniel Tatko, 732 Cabrillo Street, stated that he had moved to the subject neighborhood from a flat at Union and Polk Streets; and he indicated that the encroachment of commercial enterprises had ruined the residential character of the neighborhood in which he previously lived. He stated that he had purchased his present home and had remodeled it, bringing it up to Code standards; and, incurring those expenses he had expected that he would be protected by the residential zoning of the neighborhood. While the subject neighborhood is somewhat blighted by the presence of the Safeway store and by diesel buses, he indicated that it is basically a nice residential area; and he urged the Commission to protect the residential character of the area by disapproving the subject application.

Mr. Passmore recommended that the subject application be disapproved. He remarked that 8th Avenue between Fulton Street and Geary Boulevard is residential in character. A neighborhood shopping district lies to the north along Balboa Street between Third and Sixth Avenues; and that neighborhood shopping district together with the Safeway store which is adjacent to the subject site, are adequate to serve the neighborhood shopping needs of the subject portion of the Richmond District. Therefore, he saw no need for the proposed reclassification; and he felt that it might be detrimental to the residential character of the neighborhood.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7815 be adopted and that the subject application be disapproved.

ZM77.13 - SANTA BARBARA AVENUE, EAST LINE, AND HEAD STREET,
WEST LINE, 93 FEET NORTH OF THE COUNTY LINE.
R-1 TO AN R-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is vacant and which consists of four lots having a total area of 17,630 square feet. The applicant intended to resubdivide the property into six lots; and he had requested that the property be rezoned to R-2 to permit the construction of two dwelling units on each of the new lots. Mr. Passmore stated that the Daly City Fire Department had expressed concern about access to the subject properties; however, the San Francisco Fire Department had indicated that it could provide fire protection for any buildings which might be constructed on the property.

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Richard Weigner, representing the applicant, stated that the subject property is really quite unique; and he indicated that it was not properly described in the Negative Declaration which had been issued by the staff of the Department of City Planning.

Mr. Passmore stated that the Negative Declaration had used street names in the area erroneously; however, he indicated that the evaluation included accurate maps of the property.

Commissioner Bierman stated that members of the Commission had made a field trip to the subject site.

Mr. Weigner stated that the property is on a steep hill; and, as a result, any construction would require extensive excavation and construction of retaining walls. Given the expense involved in such work, use of the property for development of single-family houses would mean that the houses would cost between \$150,000 and \$200,000; and he did not believe that there would be a market for such expensive houses in the subject neighborhood. Therefore, he proposed to develop the properties with two-family buildings. While single-family houses had been recently constructed on an adjacent site, those lots offered a completely different development situation than the subject lots. The Negative Declaration had remarked that development of the subject lots would probably require removal of a number eucalyptus trees. However, he emphasized that the trees are old and absolutely worthless; and he emphasized that they could be replaced. The proposed buildings would have one off-street parking space for each dwelling unit; and, as a result, they would not contribute to parking congestion in the neighborhood.

Commissioner Starbuck inquired about the cost of the new single-family houses which had recently been developed in the area. A resident of the neighborhood stated that the houses have been sold for approximately \$78,500.

Gerhard Gordon, a resident of the neighborhood, stated that he favored development of the subject property with two family buildings. He remarked that occupants of the building would be able to walk to the Daly City BART Station; and, as a result, they would not be forced to use automobiles. He remarked that Daly City had originally contemplated high-rise development on property just south of the county line; and he felt that such development would have been appropriate for the area.

Serena De Bellis, owner of property in the area, stated that she felt that the development proposed by the applicant would upgrade the neighborhood.

Mary McHale, owner of property in the area, felt that the subject neighborhood should be zoned R-4, she remarked that grading is expensive; and single-family houses or two family houses do not

adequately defray the costs of preparing properties in the area for development. Furthermore, she felt that the proximity of the neighborhood to the Daly City BART station and to commercial activities would make it more suitable as a higher density neighborhood. She urged that the subject application be approved.

Anthony Figlia stated that he hoped to develop the subject properties with duplexes. He indicated that he had constructed the new single-family homes which had been mentioned by previous speakers. He had undergrounded the utilities for those buildings; and he was attempting to have the Pacific Gas and Electric Company underground its utilities in the area. He stated that he was proud of his buildings; and he hoped to further improve the neighborhood by constructed duplexes on the subject property.

Gail Wong Yin, a resident of the area, remarked that streets in the neighborhood are quite narrow; and she remarked that many children live in the area. Santa Barbara Avenue has a width of only 23 feet; and, as a result, it is not wide enough to allow a school bus and automobile to pass. Furthermore, several accidents have occurred because of careless drivers who had not been able to maneuver curves in the area. Owners of vacant properties in the area have not maintained their properties well; and complaints about the lack of maintenance had been registered by clubs in the area. She felt that development of the subject properties with single-family houses similar to those which had just been constructed in the area would be acceptable; however, she indicated that she would be opposed to construction of duplexes. If duplexes were to be constructed, she doubted that the applicants would provide four garages; and, as a result, the duplexes would add to the parking congestion in the area. Duplexes might raise the value of properties in the area; but if property values were to be raised, taxes would be increased also. She felt that the eucalyptus trees on the subject property were quite beautiful; and, while she acknowledged that they could be replaced, she noted that it would take many years for the new trees to grow to maturity. In conclusion, she stated that she believed that the environmental evaluation forms which had been completed by the applicants contained a number of inaccuracies.

Mr. Passmore stated that he believed that any inaccuracies which might have been contained in the environmental evaluation forms which had been submitted by the applicant had been eliminated in the Negative Declaration which had been prepared by the staff and submitted to the Commission for review.

Louise Crittendon, Chairperson of the Delong-Shakespeare Block Club, stated that the members of her organization were definitely opposed to the applicant's proposal to reclassify the subject property to R-2. Streets in the area are too narrow, there is a lack of fire plugs, fire trucks have difficulty getting into the area, and the area has serious parking problems. She felt that development of

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the subject property with duplexes would result in over population of the area and would eventually turn the neighborhood into a slum. While she recognized that the city does need additional housing, she emphasized that the subject neighborhood was intended as a single-family residential area; and she felt that R-2 zoning for the subject properties would be inappropriate.

During Mrs. Crittendon's presentation, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

An owner of an adjacent parcel of property stated that he agreed with other individuals who had spoken in opposition to the subject application. He felt that the applicant was trying to exploit the neighborhood; and he remarked that people who live in the area would have to suffer the consequences of the applicant's actions.

Herman Gouveia, a resident of South San Francisco, stated that he owns five lots in the subject neighborhood. He indicated that he had acquired the lots in 1959. At that time, only a few of the lots in the area were served by the San Francisco Water Department and none of the lots had hook-ups to the San Francisco Sewer System. He had sold an easement through his property so that San Francisco Sewer and water mains could be installed. Another property owner in the area had tried to take advantage of these improvements by having his property rezoned; but when he had failed, he had sold his property. Now the neighborhood was faced with another proposed rezoning which would permit construction of duplexes on the subject property. He stated that the neighborhood already has a serious traffic problem; and he believed that duplexes would increase parking problems in the area. Furthermore, duplexes would increase the amount of taxes paid by other property owners in the area. He urged that the subject application be disapproved.

Walter John advised the Commission that San Francisco and Daly City Fire Departments cross the City and County Line as needed to provide adequate service to the public; and he indicated that the quickest response to alarms from the subject property would be from Roosevelt Station in Daly City. Under the circumstances, if the Daly City Fire Department had concerns about the proposed development of the site, he felt that the Commission should give consideration to those concerns.

Mr. Passmore recommended that the application be disapproved. He noted that the area immediately surrounding the subject property is zoned for and developed with single-family houses; and he indicated that the granting of the requested reclassification would allow for a density of development which would change the character of the neighborhood. He also felt that retention of a single-family density on the subject property would be advisable in light of the steeply sloping site and the difficulty of access to the site for fire and other safety equipment along Santa Barbara Avenue, which is

narrow and curving. Furthermore, he believed that an increase in the density of the subject property would result in undesirable parking congestion along Santa Barbara Avenue which is already heavily congested.

Commissioner Dearman moved that the application be disapproved. She remarked that she lives on a block which has mixed zoning; and she indicated that mixed zoning does pose problems for people who live in single-family houses.

The motion was seconded by Commissioner Nakashima.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7816 and to disapprove the subject application.

DR77.43(CU) - SOUTHEAST CORNER OF HYDE AND CHESTNUT STREETS.
DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR
CONDITIONAL USE AUTHORIZATION FOR A FOUR-FAMILY
DWELLING WITH SIX OFF-STREET PARKING SPACES ON A
LOT OF 5,950 SQUARE FEET; IN AN R-5 AND PROPOSED
RH-3 USE AND A 40-X HEIGHT AND BULK DISTRICT.
(EXEMPT FROM ENVIRONMENTAL EVALUATION.)
(POSTPONED FROM MEETINGS OF AUGUST 4 AND
SEPTEMBER 22, 1977)

Robert Passmore, Planner V (Zoning), stated that this matter had been postponed from the meetings of August 4 and September 22, 1977, at the request of a representative of residents of the neighborhood who had indicated that meetings were being held with the applicant in an attempt to resolve neighborhood concerns about the proposed project. He understood that the parties involved had reached an agreement.

Stanley Charles, the applicant, stated that he had met with residents of the neighborhood over a period of several weeks; and he indicated that he had developed a landscaping plan which had met with the approval of other residents of the area. He indicated that he would be prepared to respond to any questions which might be raised by members of the Commission.

Harvey Freed, attorney for owners of property on Montclair Terrace, confirmed that an agreement had been reached with the applicant. He expressed his appreciation to the Commission for its willingness to continue its consideration of this matter to provide time for residents of the neighborhood to iron out their differences with the applicant; and he indicated that a written agreement had been reached which had been presented to the staff of the Department

of City Planning. He stated that the applicant had made a number of significant concessions relating to the configuration that the buildings on the site, limitations on the amount of garage space to be provided; and provision of a very impressive landscaping plan; and he felt that the applicant and his architects should be complimented for their willingness to compromise. He was hopeful that their successful negotiations would establish a pattern which might be followed as other projects come before the Commission for consideration.

Mr. Passmore recommended that the application be approved subject to three specific conditions which were contained in a draft resolution prepared for consideration by the Commission, indicating that the dates in the draft resolution should be changed to specify that the approval would be for a project in general conformity with the revised plans which had been filed following the agreement between the applicant and residents of the neighborhood.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the revised draft resolution be adopted as City Planning Commission Resolution No. 7817 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore, as modified.

EEF77.251 - CONSIDERATION OF AN APPEAL OF A PRELIMINARY NEGATIVE DECLARATION FOR THE NORTH OF MARKET REHABILITATION ASSISTANCE PROGRAM WHICH WOULD AFFECT A PORTION OF THE AREA BOUNDED BY GOLDEN GATE AVENUE AND MARKET, POWELL, GEARY AND LARKIN STREETS.
(UNDER ADVISEMENT FROM MEETING OF SEPTEMBER 29, 1977)

Alec Bash, City Planning Coordinator, presented and summarized a memorandum which analyzed two suggested mandatory mitigation measures which had been proposed during the public hearing on this matter which was held on September 29, 1977. At the conclusion of his presentation, he responded to questions raised by member of the Commission.

Rai Y. Okamoto, Director of Planning, recommended that a draft resolution be adopted with the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the proposed project could not have a significant effect on the environment, and does hereby affirm the Preliminary Negative Declaration prepared by the Department of City Planning, subject to a modification of the negative declaration to incorporate the 'Supplement to Environmental Analysis for the

North of Market Rehabilitation Assistance Program (RAP), in Response to Comments Received,' dated September 26, 1977, and the 'Analysis of the Public Hearing Alternative for the North of Market Rehabilitation Assistance Program (RAP),' dated October 6, 1977, as further documentation for the reasons for the finding as expressed in the negative declaration, and subject to the inclusion within the negative declaration of two additional mandatory mitigation measures, as follows:

- "1. The composition of the Citizens Advisory Committee shall be modified to provide for a majority representation of tenants.
- "2. The Bureau of Building Inspection, or other appropriate agency, in consultation with the Department of City Planning, shall conduct an annual survey of rents and incomes in the North of Market Rehabilitation Assistance Program (RAP) area to determine whether the RAP is causing rent increases greater than increases in the cost of living, and should need arise, shall develop further mitigation measures to maintain rents proportionate to the cost of living."

After further discussion the Commission agreed to modify the draft resolution to provide that the survey of rents and incomes in the North of Market Rehabilitation Assistance Program (RAP) area should be made every six months; and it also requested the staff to include in the resolution language specifying that any mitigation measures designed to combat the problem of rent increases greater than the increases in the cost of living would be implemented only if they were consistent with State and local law. Finally, the Commission requested that the draft resolution be amended to specify that the staff of the Department of City Planning, concurrent with other steps which must be taken to implement the RAP program, should participate in the development of some type of program for rent stabilization which might be used in the future if the semi-annual surveys indicate that RAP is causing rent increases greater than the increases in the cost of living. It was then moved by Commissioner Starbuck, seconded by Commissioner Wentz, and carried unanimously that the amended draft resolution be adopted as City Planning Commission Resolution No. 7818.

President Rosenblatt requested that the staff revise the resolution according to the request which had been made by the Commission and that it check the revised language with each member of the Commission before transmitting the resolution to the Chief Administrative Officer.

A standard cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 13, 1977.

The City Planning Commission met pursuant to notice on Thursday, October 13, 1977, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Program; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Audrey, Owen, Staff Assistant IV; Nathaniel Taylor, Planner III; Marie Zeller, Planner III; William Oman, Planner II; and Lynn E. Pio, Secretary.

Peter Kuehl represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that the Minutes of the meeting of September 15, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded members of the Implementation Committee (Commissioner Starbuck, Bierman, Dearman) of a meeting scheduled for next Thursday, October 20, at 11:00 a.m.

The Director announced that a workshop will be held on Saturday, October 22, at 10:30 a.m. in the San Francisco Museum of Arts Conference Room to discuss a proposal for a Hayes Valley Rehabilitation Assistance Program.

The Director advised the Commission that a no-host lunch will be held on Tuesday, October 25, at City College to discuss the University of California's Medical Center's Comprehensive Transportation Program.

The Director announced that the San Francisco Forum will hold a workshop meeting on Wednesday, October 19, to discuss economic trends and unemployment in San Francisco.

The Director noted that the Commission is scheduled to hold a public hearing on October 20, to review comments and suggestions relating to the Department of City Planning's work program and budget for the next fiscal year.

The Director noted that the Commission, during its meeting on October 6, had adopted to sustain the staff's issuance of a Negative Declaration for the proposed North of Market Rehabilitation Assistance Program (RAP); however, the Commission had requested that specific language for the resolution stating that action (Resolution No. 7818), be placed before the Commission at this meeting for its approval. He distributed copies of the Resolution which had been prepared and which contained the following language in the resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the proposed project could not have a significant effect on the environment, and does hereby affirm the Preliminary Negative Declaration prepared by the Department of City Planning, subject to a modification of the negative declaration to incorporate the 'Supplement to Environmental Analysis for the North of Market Rehabilitation Assistance Program (RAP), in Response to Comments Received,' dated September 26, 1977, and the 'Analysis of the Public Hearing Alternative for the North of Market Rehabilitation Assistance Program (RAP),' dated October 6, 1977, as further documentation for the reasons for the finding as expressed in the negative declaration, and subject to the inclusion within the negative declaration of two additional mandatory mitigation measures, as follows:

1. The composition of the Citizens Advisory Committee shall be modified to provide for a majority representation of tenants;
2. An appropriate agency shall conduct a survey of rents and incomes in the North of Market Rehabilitation Assistance Program (RAP) area every six months, starting at such time as the area is designated, to determine changes in rents and incomes and to determine the impact RAP is having on rents; in the event it is determined that RAP is causing rent increases greater than increases in incomes, the Department of City Planning shall develop further mitigation measures to ameliorate the impact RAP is having on rents, which measures may include an area-wide rent stabilization program if its legality can be established."

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the language of the second mandatory mitigation measure be re-worded to read as follows:

"An appropriate agency shall conduct a survey of rents and incomes in the North of Market Rehabilitation Assistance Program (RAP) areas every six months, starting at such time as the area is designated, to determine changes in rents and incomes and to determine the impact RAP is having on rents, dislocation and abandonment; in the event it is determined that RAP is causing rent increases greater than increases in incomes, the Department of City Planning shall develop further mitigation measures to ameliorate the impact RAP is having on rents, which measures may include an area-wide rent stabilization program if its legality can be established."

Subsequently, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the language of the Resolution, as modified, be approved.

The Director distributed copies of a progress report issued by the Association of Bay Area Governments (ABAG) relating to their draft environmental management plan.

Commissioner Starbuck requested that a public hearing be scheduled on October 20, to consider a draft resolution relating to the implementation of the transportation policies in the north eastern waterfront plan.

Commissioner Elliott, noting that the Commission, at its meeting on October 6, had initiated designation of the Civic Center as an historic district, stated that he hoped that that action would not be used as a means of stalling the proposed expansion program of the Hastings College of the Law.

CONSIDERATION OF A DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO ASKED THE BOARD OF SUPERVISORS FOR AUTHORIZATION TO ENTER A WORK-STUDY PROGRAM CONTRACT WITH THE UNIVERSITY OF CALIFORNIA AT BERKELEY FOR THE PART-TIME EMPLOYMENT OF A STUDENT TO WORK WITH THE STAFF OF THE DEPARTMENT OF CITY PLANNING ON THE COMMERCIAL AND INDUSTRIAL ZONING STUDY.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The University of California at Berkeley has obtained a grant from the U.S. Commission of Education to stimulate and promote the part-time employment of students under a Work-Study Program; and

"WHEREAS, The University has proposed to contract with the Department of City Planning for the placement of a graduate student in City Planning on a part-time work assignment during the 1977-78 academic year; and

"WHEREAS, This part-time student employee will be assigned to work on the Commercial and Industrial Zoning Study with the staff of the Department of City Planning; and

"WHEREAS, The terms of the contract with the University would require the Department of City Planning to provide the University thirty percent of the total compensation to be paid to the student employee, or \$720.00; and

"WHEREAS, The \$720.00 contribution to be made by the Department of City Planning will be provided from a 302 grant from the Federal Economic Development Administration;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to ask the Board of Supervisors for authorization to enter a Work-Study Program contract with the University of California at Berkeley for the part-time employment of a graduate student in City Planning and to commit the City to an expenditure of \$720.00 from an existing 302 planning grant from the U.S. Economic Development Administration."

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7819.

DR77.14 - 63 MULLEN AVENUE, NORTH LINE, 230 FEET EAST OF ALABAMA STREET. CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705465 FOR A HORIZONTAL EXPANSION OF THE SECOND FLOOR LEVEL OF AN EXISTING BUILDING FOR A BEDROOM, BATH, AND BALCONY, THE REAR BUILDING WALL OF WHICH WOULD HAVE A HEIGHT OF APPROXIMATELY 26.5 FEET.
(CONTINUED FROM THE MEETINGS OF JUNE 30, JULY 14, AUGUST 11, AND SEPTEMBER 8, 1977)

Robert Passmore, Planner V (Zoning), advised the Commission that the plans for the proposed building addition had been modified; however, neighboring property owners were not yet entirely satisfied. Both the applicant and the neighboring property owners had requested that this matter be continued indefinitely.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Wentz, and carried unanimously that further consideration of this matter be continued indefinitely.

CU77.43 - 1850 OCEAN AVENUE, NORTH LINE, OPPOSITE THE INTERSECTION OF JULES AVENUE (FORMER HOMEWOOD TERRACE SITE). REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION FOR A PROJECT CONSISTING OF 76 25-FOOT WIDE LOTS AND APPROXIMATELY 20 ONE-FAMILY HOUSES, 40 TWO-FAMILY HOUSES, AND EIGHT SIX-UNIT APARTMENT BUILDINGS WITH LANDSCAPED COMMON AREAS AND 168 OFF-STREET AND 110 ON-STREET PARKING SPACES; IN R-2 PROPOSED RH-2 AND C-2 USE DISTRICTS AND IN A 40-X HEIGHT AND BULK DISTRICT (EE77.222).

Robert Passmore, Planner V (Zoning), noted that this matter had been continued from the meeting of September 1, 1977, to provide an opportunity for residents of the surrounding neighborhood to meet with the developers to discuss the nature of the proposed project.

The Secretary advised the Commission that letters had been received from George Tainter, President of the West of Twin Peaks Central Council, and from Howard F. Pearson, a member of the Board of Directors of the Westwood Park Association. Mr. Tainter's letter indicated that the proposed development would be acceptable providing that the applicant would be willing to meet the following two conditions:

- "1. The rear face of the homes to be built along the east side of the project shall not be closer than twenty (20-ft.) to the back property lines of the existing Westwood Park homes which face Faxon Avenue and
- "2. The heights of said homes in the project shall not exceed thirty-two feet (32-ft.) measured from a point on the centerline of each individual building lot and the centerline of the street immediately in front of said lots."

Mr. Pearson's letter advised that the Board of Directors of his association had approved the project after the developer had agreed to keep all buildings on the eastern edge of his property to a maximum height of 32 feet.

Mr. Passmore advised the Commission that that revised plans which had been submitted by the applicant incorporated the compromises which had been mentioned in the letters from the neighborhood representatives.

Mr. Hayman, the applicant, confirmed that he had agreed to provide twenty-foot setbacks from the property lines of the site and that the height of the buildings on the eastern portion of the property would not exceed a height of 32 feet.

Oscar Fisher, representing the West of Twin Peaks Central Council, confirmed that the member organizations of the council were satisfied with the compromises which had been offered by the applicant.

Robert Covington, representing the Federation of Ingleside Neighbors, stated that his organization had not been contacted by the applicant. However, in view of the fact that the subject property has been an eyesore, they were pleased that the property would be developed. He noted that the dwelling units to be constructed would be for high income families; and, as a result, he felt that the staff of the Department of City Planning should become more involved in preparation of plans to arrest the deterioration of commercial properties along Ocean Avenue.

Commissioner Dearman inquired about the estimated sales prices of the units in the new subdivision. Mr. Hayman replied that the units would probably have sales prices ranging from \$75,000 to \$125,000.

Mr. Passmore recommended that the application be approved subject to ten specific conditions which were included in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Wentz remarked that it did not appear that the applicant's concessions to the concerned neighborhood associations were reflected in the conditions which had been prepared by the staff. Mr. Passmore replied that the applicant had revised the plans which were on file with the staff of the Department of City Planning; and he noted that condition No. 1 of the draft resolution specified that the project should be developed in general conformity with those plans.

After further discussion, it was moved by Commissioner Wentz, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be approved as City Planning Commission Resolution No. 7820 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

EE77.232 - PUBLIC HEARING ON AN APPEAL OF A PRELIMINARY NEGATIVE DECLARATION FOR A PROJECT INVOLVING 143 UNITS OF HOUSING FOR THE ELDERLY WITH GROUND-FLOOR COMMERCIAL SPACE AND AN ADDITION TO THE JEWISH COMMUNITY CENTER IN THE BLOCK BOUNDED BY CALIFORNIA, WALNUT, AND SACRAMENTO STREETS AND PRESIDIO AVENUE.

Paul Rosetter, Planner II, summarized the factors which had led the staff of the Department of City Planning to issue a Preliminary Negative Declaration determining that this project could not have a significant effect on the environment. He indicated that the Negative Declaration had been appealed by Mrs. Gertrude B. Platt in a letter dated October 2, 1977; and he explained the arguments which had been presented in the letter in support of the appeal. He then responded to questions which were raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Mrs. Gertrude Platt, the appellant; Robert Beach, representing the Presidio Heights Association of Neighbors; Raymond Wong, one of the owners of property located at 3266 California Street; Taffetta Lassen, 2012 Baker Street; Romain Lahr, a member of the Commission on Aging; Peter Mendelsohn, Vice-President of the Housing Committee of the Commission on Aging; Charles Slutzkin, representing the sponsors of the proposed project; Mervin Silverberg, representing the Sacramento Street Merchants Association; Alotia Gondolyn, who had been working with the sponsors of the project to find relocation sites for individuals presently residing in buildings located on the subject property; and Patience Pribuss, a resident of the area.

Robert Passmore, Planner V (Zoning), distributed copies of a draft resolution which he had prepared for consideration by the Commission. After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7821 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the proposed project could not have a significant effect on the environment, and does hereby affirm the Negative Declaration issued by the Department of City Planning with the addition of a discussion to be developed by the Department of City Planning concerning an alternate development of less or no commercial development on the subject site; and

"BE IT FURTHER RESOLVED, That the City Planning Commission does hereby direct that the staff of the Department of City Planning, before acting on the variance application concerning the subject project and the building permit for the subject project, shall submit to the City Planning Commission further information concerning (1) existing and potential generation of traffic and parking, (2) visual appearance and architectural quality of any new building, (3) means of preserving buildings, and (4) means of relocating existing occupants of the subject site."

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 4:25 p.m., President Rosenblatt announced a 15-minute recess. The Commission reconvened at 4:40 p.m. and proceeded with hearing of the remainder of the Agenda. Commissioner Starbuck was temporarily absent from the meeting room.

RS77.17 - PUBLIC HEARING ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION
OF A SIX-UNIT BUILDING AT 139 COMMONWEALTH AVENUE.

Alec Bash, City Planning Coordinator, stated that the applicants proposed to convert an existing six-unit resident rental apartment building into six-unit condominium units. The building has three residential levels, each with two units. A one-bedroom unit rents for \$290 a month; and five two-bedroom units range in price from \$420 to \$500 a month. Proposed sale prices would be from \$60,000 to \$125,000. He indicated that the project was exempt from environmental review.

President Rosenblatt asked if anyone were present to speak in opposition to the proposed condominium conversion and received a negative response. Mr. Bash recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the one-bedroom unit is hereby determined to be part of the moderate income housing stock of the City, and the two-bedroom units to be converted are hereby determined to be not part of the low or moderate income housing stock of the City;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium conversion subdivision at 139 Commonwealth Avenue, Lot 50 in Assessor's Block 1063, as set forth in the tentative map submitted with Referral No. RS77.17, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1335(d) of the Subdivision Code.
3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code.
4. The maximum Sales price for the one-bedroom unit shall be \$52,000."

After further discussion, it was moved by Commissioner Wentz, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7322. Commissioner Starbuck was still absent from the meeting room when the vote was taken.

RS77.21 - JOINT PUBLIC HEARING WITH THE DIRECTOR OF PUBLIC WORKS ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION OF A 27-UNIT BUILDING AT 1990 GREEN STREET.

George Woo, representing the Director of Public Works, indicated that he would listen to the testimony presented; however, he indicated that the Department of Public Works would not take action on the matter during the course of the present meeting.

Alec Bash, City Planning Coordinator, stated that the proposal was to convert what had been originally a 34-unit rental apartment building into 27 condominium units. A basement studio apartment would be used by a building custodian and would not be sold. He indicated that the building had been constructed in 1925 and has six residential levels with four studios, twelve one-bedroom apartments, six two-bedroom apartments, and six three-bedroom units. The dwelling units are over two parking levels which have 18 off-street parking stalls. He stated that the present monthly rental rates for the units range from \$210 to \$625; and the proposed sales prices would range from \$43,000 to \$145,000.

During the course of Mr. Bash's presentation, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission Table.

Kamini Gupta, representing his mother who owns two small apartment buildings in the subject block, stated that he had noticed cracks and bulges in the subject building which seemed to indicate that the building is settling or sliding; and he wondered if the units in the building would be marketable if it is determined that the building has structural problems.

Mr. Woo stated that the building would be inspected and that it would have to be brought up to code if the condominium conversion is to be effected. If there were signs that the building is settling, a soils report would be required; and the applicants would be required to repair any structural defects in the buildings. No units in the building could be sold until the work meets current code standards.

Mr. Gupta then advised the Commission that the building presently has 36 door-bells; and he asked why the applicant intended to convert only 27 of the units into condominium ownership. Mr. Woo replied that some of the smaller units in the building would be merged to create larger units.

Mr. Gupta then expressed concern that the owners of the larger units might take in roomers; thus aggravating the traffic and parking situation in the neighborhood. Mr. Bash replied that the off-street parking standards of the City Planning Code are the same for rental apartment buildings as for condominium buildings; and, as a result, the staff of the Department of City Planning had not analyzed the impact which the proposed conversion of the building into condominium ownership might have on the parking situation in the neighborhood.

Mr. Gupta stated that many of the parking spaces in the building are quite small; and he indicated they are not used by present tenants of the building because of their inadequacy. Mr. Woo stated that the building was constructed before a one for one parking requirement was established by the City Planning Code; and, as a result, the existing off-street parking spaces would not have been required. In any case, he remarked that many people now own smaller cars; and he noted that a smaller parking spaces could be used for such vehicles.

Mr. Bash explained that the City Planning Code would have required provision of one additional off-street parking space for each additional unit if the applicant had proposed to increase the number of units in the building.

Mrs. Van Ballen, representing elderly people who constitute approximately one-third of the present tenants of the building, remarked that a forced relocation from the building would be a very traumatic experience for all of the people whom she represented. She stated that they were all very distressed by the prospect of the move; and she felt that a forced move would have disastrous consequences for them. She indicated that most of the present tenants have lived in the building for a long time and regarded it as their home; and, since most of them would not be in a position to purchase their units, it would be mandatory for them to move if the building were converted into condominium units.

Mr. Gupta stated that he objected to the proposal to convert the building into condominium units; he stated that he felt that an environmental impact report on the applicant's proposal should be prepared before action is taken by the Commission.

Mr. Bash stated that condominium conversions are categorically exempt from the environmental review process.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Patrick Bolingee, the newest tenant of the building, stated that he had been trying to establish himself financially; and he indicated that that effort would be impeded by a forced move. Furthermore, he doubted that minority people would be able to afford to live in the building if it were converted into condominium units. He felt that condominium conversion of the building would create many problems.

Bernice Westlake, a tenant of the building for the last twenty years, stated that she could not afford to purchase her unit; she indicated that she was opposed to the proposal to convert the building into condominium units.

President Rosenblatt asked for a show of hands of individual persons in the audience in opposition to the proposal to convert the subject building into condominium units. Approximately fourteen individuals responded. He then asked for a show of hands of individuals in support of the proposal and received a response from two people.

James Dougherty, the applicant, remarked that many people are looking for decent housing in San Francisco; and he advised the Commission that even the Richmond District has no single family houses available for less than seventy-eight thousand dollars. Furthermore, he remarked that home ownership broadens the tax base. He estimated that a forty thousand dollar unit in the building, with a down payment of four thousand dollars, would result in a monthly cost of only ten percent more than the current rental cost of the same unit. He said that he and his associates did intend to bring the building up to code standards; and he felt that reduction of the number of units in the building would improve the parking situation in the neighborhood. In conclusion, he stated that the units would range in size from 346 square feet to 1,525 square feet; and he felt that they would be desirable condominium units.

Mr. Meyers, a tenant of the building, stated that he had no desire to purchase a fifty-year old apartment unit which has not been maintained in so many years; and, if the applicant intended to bring the building up to code standards, he wondered why the work could not be done immediately. He also asked how many of the units to be sold would be classified in a moderate price range.

Commissioner Dearman asked if the Commission would have the authority to disapprove the request for condominium conversion.

Rai Y. Okamoto, Director of Planning, replied in the affirmative. He indicated that there is a presumption in the Master Plan in favor of home ownership; however, the Master Plan also has a policy calling for the maximization of housing choice. Under the circumstances, it seemed to him that the Commission could express a preference one way or the other.

Mr. Bash recommended the adoption of a draft resolution which had been prepared for the Commission with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the three studios and four of the one-bedroom units are hereby determined to be part of the moderate income housing stock of the City, and the remaining units to be converted are hereby determined to be not part of the low or moderate income housing stock of the City;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium conversion subdivision at 1990 Green Street, Lot 16 in Assessor's Block 542 as set forth in the tentative map submitted with Referral No. RS77.21, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.

2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.
3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code, and further, no tenant shall be required to relocate prior to 180 days past the date of recordation of the Final Map.
4. The maximum sales price for the studios shall be \$40,000 and for four one-bedroom units shall be \$46,000."

Mr. Bash noted that the subdivision code specifies only a 30 day period for relocation in the case of a condominium conversion; however, because of the age of some of the tenants in the subject building, the staff had felt that a 180 day period for relocation would be more appropriate.

Commissioner Bierman stated that she was concerned about maximizing housing choices for people in San Francisco; and she felt that the greatest need for maximization of the housing choice was in the area of rental units. Given the high cost of housing in San Francisco, she did not know where modest income people will go to find housing in the future. Under the circumstances, she moved that the proposed condominium conversion be disapproved as not consistent with the Master Plan. The motion was seconded by Commissioner Starbuck.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7823 which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the three studios and four of the one-bedroom units are hereby determined to be part of the moderate income housing stock of the City;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium conversion subdivision at 1990 Green Street, Lot 16 in Assessor's Block 542, as set forth in the tentative map submitted with Referral No. RS77.21, is not consistent with the Master Plan, as the conversion would diminish housing choice and effectively remove units from the moderate income housing stock of the City."

RS77.23 - JOINT PUBLIC HEARING WITH THE DIRECTOR OF PUBLIC WORKS ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION INTO 396 UNITS OF BUILDINGS IN DIAMOND HEIGHTS VILLAGE (RED ROCK HILL), AT RED ROCK WAY, BOUNDED BY DUNCAN STREET AND DIAMOND HEIGHTS BOULEVARD.

George Woo of the Department of Public Works represented the Director of Public Works at this joint hearing.

Alec Bash, City Planning Coordinator, stated that the subject property has frontages on Red Rock Way of approximately 1,000 feet; on Duncan Street of approximately 1,000 feet; and on Diamond Heights Boulevard of approximately 750 feet, with a total area of approximately 320,000 square feet. The property is occupied by a 396 unit rental apartment complex in 14 separate buildings, each with three residential levels over parking; and the applicant proposed to convert the apartments into 396 condominium units. He stated that the apartments include 135 studio units, 153 one-bedroom units, 27 one-bedroom with den units, and 81 two-bedroom units. The complex has 487 parking spaces, a community building, and extensive landscaping. Present monthly rentals range from \$297 to \$525; and the proposed sale prices were \$50,000 for studio apartments, \$61,500 to \$68,000 for one-bedroom units, and \$83,000 for the two-bedroom units. Mr. Bash stated that the subdivision ordinance has special requirements for condominium projects involving fifty or more units. When projects are proposed, the subdivider must make available ten percent of the units for low or modern income occupancy, provided that the City Planning Commission finds that governmental subsidies for such occupancies are available to the subdivider. Furthermore, conversions of fifty or more units may not take place unless 35% or more of the tenants involved have consented in principle to the proposed conversion. In that regard, he indicated that he had received a letter from Ariel Basse, attorney for the applicants, which read as follows:

"Pursuant to your request the following is the information regarding our survey of tenants at Diamond Heights Village.

"A survey of the tenants was started just subsequent to the time the application for tentative map approval was made. The purpose of the survey was to obtain the consent of at least 35% of the tenants to the proposed conversion as required by the ordinance.

"The results of that survey were submitted to Mr. George Woo on September 15, 1977, and on September 23, 1977, additional information was submitted.

"The results as submitted to the City show that of those persons who were willing to respond, 157 consented to the conversion and 26 were opposed. Therefore, of the 183 persons responding 86% consented to the proposed conversion. Note should also be made that we were required to produce only 139 consenting tenants to comply with the ordinance requirements.

"The information submitted to the City did not show that in fact an additional 92 persons were interviewed by Mr. Benny. These persons generally stated that they did not care whether or not the project would be converted but refused to sign the survey sheet given to them. Of these 92 persons only 31 agreed to provide their name and apartment number.

"It should be pointed out that at the time the survey was made, there were 33 vacancies in the project. Adding the number of persons interviewed and the vacancies existing results in 308 out of 396 units which were effectively covered by the survey.

"In addition, each tenant then living in the project was given a letter by the management, informing them of Mr. Benny's intention to convert the project to condominiums and advising them that inquiries could be made to the management. Only 12 persons responded and they were contacted by Mr. Benny. They advised him that they were interested in purchasing their unit. These persons are not covered in the survey submitted.

"The procedure for interviewing tenants was simple and conducted to cause the least disturbance to the tenants. Mr. Benny would locate himself on the grounds of the project, building lobbies or recreational areas during normal activity hours and inquire of persons he met whether or not they were tenants. If they responded that they were, Mr. Benny would explain that he was a prospective buyer of the project and intended to convert the units to condominiums. The conversion procedure was given and any questions they had were answered. It was also explained that no lease would be disturbed. No promises or inducements were made to coax the person interviewed to sign the form given to them that indicated either consent to or dissent to Mr. Benny's proposals.

"I discussed with Mr. Benny your suggestion that we continue to interview those tenants not previously contacted directly. He advised me that because of the time constraints it would be almost impossible to contact more than a few persons and get any kind of response. However, Mr. Benny will attempt to contact as many persons as he possible can and discuss the conversion with them."

Mr. Bash stated that some of the tenants had expressed concern that the survey which had been conducted by the applicant had not been conducted accurately; and there was some feeling that the true opinion of certain tenants was not accurately expressed on the forms which they had signed. As a result, the staff would ask the city attorney for his opinion as to whether approvals once given by tenants could be revoked by the tenants and, further, if the City could assume responsibility for conducting a survey of tenants when controversies arise.

Rai Y. Okamoto, Director of Planning, stated that he would not be prepared to offer a recommendation on this matter until he had received the advice which had been requested from the city attorney; however, he indicated that the Commission might wish to proceed with the scheduled public hearing if it so desired.

A gentleman in the audience asked if the applicant intended to construct additional units or if only the presently existing units would be sold on a condominium basis. After Mr. Bash had replied that no additional units were being proposed, a member of the audience stated that it is already difficult to park in the area; and he felt that additional automobiles would be drawn to the area if larger units in the project are sold on a condominium basis.

David Van Atta, representing the applicant, remarked that the subject proposal was the first to come before the Commission involving condominium conversion of more than fifty units; and, as a result, the applicants had had no previous experience to reply on in dealing with the provisions of the subdivision ordinance relating to such projects. Plus, they had served as "trailblazers". While the subdivision ordinance provides that 35% of the tenants in such projects must indicate their support in principle of the proposed condominium conversion, State law provides that the subdivider may not offer units for sale until subdivision has been approved; and, as a result, the tenants had had to express an opinion without knowing what the sales prices of the units would be. He regarded Diamond Heights Village as a superior housing development; and he felt that condominium conversion of the project would benefit the community by expanding opportunities for home ownership. He advised the Commission that proposed sales prices for the units would range from \$45,000 for an efficiency unit to \$83,000 for a large two-bedroom unit; and he indicated that the applicants would commit themselves to a \$5,000 reduction of the asking price for existing tenants. In addition, special financing arrangements would be made for tenants. The net result would be that tenants would be able to purchase units for approximately \$6,500 less than the market price. He remarked that some tenants had expressed concern regarding their status during the conversion process. In that regard, he advised the Commission that the applicants would honor all existing leases, that they would not offer any units in the projects to non-tenants until May, 1978, and that they would give every tenant a minimum of 120 days for relocation. In addition, the applicants would provide up to \$350 for relocation purposes. Some rental units in the project would be retained for up to five years; and those units could continue to be occupied by any tenants who might have financial problems which would make it impossible for them to move. The sales program would be staged; and, as a result, the conversion would not have a sudden impact on the rental market. In conclusion, he advised the Commission that the housing project presently has a turnover rate of approximately 25 tenants a month.

Commissioner Dearman asked if the property is owned by the applicant at the present time. Mr. Van Atta replied in the negative but indicated that the applicant is in the process of purchasing the property.

Commissioner Starbuck inquired about historical vacancy rates in the project. Mr. Van Atta replied that the vacancy rate had fluctuated between 5% and 10%. At the present time, forty units are vacant; and the project is experiencing a turnover rate of at least forty units a month. In reply to a further question raised by Commissioner Starbuck, Mr. Van Atta stated that the vacancy rate for the project had never been less than five percent.

The Director asked if the applicants had considered selling only a portion of the units on a condominium basis and retaining the rest as rental units. Mr. Van Atta replied that such an approach would create a number of problems. The project was designed with common outdoor and indoor area; and it would be difficult to establish whether tenants or owners should have greater control over those areas.

Commissioner Starbuck inquired about the nature of the survey form which had been used in determining whether tenants of the project supported the proposal for condominium conversion. Mr. Van Atta replied that the form was very simple and indicated that it merely inquired whether the tenant approved or disapproved of the concept of condominium conversion.

Carl Lindeman, 5152 Diamond Heights Boulevard, stated that he was completely in favor of the condominium conversion proposal; and he felt that the relocation plan which had been offered by the applicant was more than generous.

Mr. De Leon, 255 Red Rock Way, stated that he, also, was in favor of the applicant's proposal. He remarked that it is difficult to raise money for the down payment on a home in San Francisco; and he felt that the financing arrangements proposed by the applicants would make it feasible for many of the present tenants to purchase their units.

Ronald Levine, 175 Red Rock Way, stated that he represented the tenants association for Diamond Heights Village; and he indicated that they were not in favor of having the condominium conversion approved at this time. While he and other members of his organization were not necessarily opposed to the concept of condominium conversion, he felt that they had not had an opportunity to obtain sufficient information regarding the applicant's proposal to enable them to evaluate the proposal properly. They had contacted 183 tenants of the project; and 173 of those individuals had signed a petition indicating that they were not in favor of the condominium conversion at this time. While some of the same signatures had appeared on the petitions favoring the project which had been submitted by the applicants, some of those signatures had since refuted their earlier endorsement of the project or had claimed that they had not signed the original petition at all. He felt that the survey which had been conducted by the applicants was faulty in that insufficient information regarding the project was made available to the tenants, high pressure salesmanship techniques were utilized, some of the signatures on the petition were questionable, and some of the present tenants of the project do not speak English and may not have understood the proposal.

President Rosenblatt asked if he were correct in his understanding that State law limits the amount of information which a prospective subdivider may disclose to tenants of a project which may be that subject of a condominium conversion. Mr. Bash replied in the affirmative. While he was not familiar with the exact limits of those restrictions, he indicated that firm prices or special discounts may not be discussed with anyone before the final subdivision map has been approved.

Betsy Henley Cohn, President of the Diamond Heights Village Tenants Association, stated that she did not feel that hard pressure tactics had been used by the applicant; she was not aware that anyone had claimed that fraudulent signatures had appeared on the petitions which had been submitted by the applicants; however, she agreed that there was considerable sentiment that it would have been desirable for the tenants to have more information before they were asked to render an opinion on the applicant's proposal.

Dennis Yocum, 95 Red Rock Way, stated that he was in favor of the condominium conversion; and he indicated that he felt that the applicants had conducted a valid survey of the tenants. However, he questioned the techniques which had been used by follow tenants in opposition to the project in obtaining signatures on their petitions of opposition.

William Cutter, a resident of the area, noted that the subject project is in the Diamond Heights Redevelopment Project area; and he emphasized that the redevelopment project had resulted from a well thought out plan which was designed to provide a combination of rental units, privately owned single-family dwellings, and condominium units. The plan for the redevelopment project had been approved by the City Planning Commission and by the Redevelopment Agency; and he felt that the balance provided for in that plan should be preserved. While Diamond Heights Village may have a high turnover rate, he felt that the project with such a turnover rate is an important ingredient in San Francisco's stock of rental units to serve the needs of individuals who move to the city to accept jobs in downtown San Francisco while they are looking for more permanent quarters. As a result, he urged the Commission to determine that the proposed condominium conversion is in conformity with the Master Plan. Mary Ann Gutternberg remarked that condominium units are still being constructed in the Diamond Heights redevelopment project area; and, as a result, she questioned the need for the proposed condominium conversion. Furthermore, she noted that Diamond Heights Village was not constructed for conversion to condominium units; and she indicated that the apartments have thin walls and floors which do not adequately muffle sounds between apartments. While the applicant's representative had referred to condominium ownership as "home ownership", she was of the understanding that condominium ownership consists of nothing more than the ownership of air-space; and, if the building should collapse in an earthquake, the condominium owners would own nothing but air. When tenants of the project had been asked to sign petitions for the applicant, they had not been advised of the applicant's financing proposal. In any case, many of the older tenants would not wish to spend that amount of money on living quarters; and many of the younger tenants could not afford such an expenditure.

Frank Studek stated that if the information which had been given to the Commission by the applicant's representative had been made available to the tenants of the project at an earlier date, he would probably not have found it necessary to come to the Commission meeting; and he suggested that the same presentation should be made to the tenants.

Tom Meeks, representing the Diamond Heights Community Association, stated that the members of his organization had not had an opportunity to consider the applicant's proposal; and, as a result, they had not taken a pro or con position. However, he had discussed the matter with members of the Board of Directors of the Association; and they had raised a number of questions regarding the project. He noted that the number of condominium units were built in the Diamond Heights redevelopment project area; and he observed that at least one other condominium conversion proposal had been proposed. Under the circumstances, he felt that the Commission should make a determination as to the optimum balance between rental units and condominium units within the Diamond Heights redevelopment project area. He remarked that the condominium conversion of the units in Diamond Heights Village would effectively double the number of condominium units in the Diamond Heights redevelopment project area; and he questioned whether there is a market for such a large number of condominium units in the area. If not, the conversion project might depress the market for condominiums within the project area; and the residential value of existing condominiums might be lowered.

Mr. Van Atta indicated that condominium units which have been sold to date in Diamond Heights had been townhouses and have sold for prices in excess of \$125,000; and he emphasized that the units presently under consideration would appeal to an entirely different type of market. He indicated that his associates would try to find a way to provide tenants of the project with as much information as possible without violating State law.

The Director recommended that the public hearing be closed and that the matter be continued by the Commission for one month. During the interim, questions regarding the survey which had been made by the applicants could be resolved; and its determination could be made as to what information may legally be made available to the tenants under State law.

Commissioner Dearman stated that she hoped that the staff would also be prepared to respond to the issue of how the proposed condominium conversion would compliment or detract from the purposes of the plan for the redevelopment project area.

Mr. Woo stated that his department would check the validity of the tenants signatures which had been submitted by the applicant.

Commissioner Wentz stated that it was his impression that what was really needed was not verification of the signatures which had already been collected but an entirely new survey of the tenants. The Director replied that the Department of City Planning and the Department of Public Works would seek to have a new survey taken if the City Attorney advises that such a procedure would be legal.

Commissioner Bierman requested that the staff also be prepared to report on vacancy rates within the Diamond Heights redevelopment project area and the need for rental housing in that area.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the public hearing on this matter be closed and that the matter be taken under advisement until the Commission's meeting on November 17, 1977.

DR77.60 - 601 MONTGOMERY STREET, NORTHWEST CORNER OF MONTGOMERY AND CLAY STREETS.

DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7710216 FOR A NINETEEN-STORY OFFICE BUILDING WITH A HEIGHT OF 254 FEET AND WITH APPROXIMATELY 243,000 SQUARE FEET OF FLOOR AREA, IN THE PORTSMOUTH CORRIDOR AREA. (EE6.434)

Charles Gill, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which has 137 foot frontages on Clay and Merchant Streets and a frontage of approximately 109 feet on Montgomery Street for a total area of approximately 15,000 square feet. The property is occupied by two office buildings and a hotel, all with various ground floor commercial uses and all vacant above the ground floor. Each of the buildings has a height of three to four stories. The proposed project would consist of the construction of a nineteen-story office building with ground floor commercial space and fifteen short term guest spaces and a second floor garage. The building would contain about 250,000 square feet of office space and 24,000 square feet of commercial space. The access to the parking would be from the Merchant Street alley; and the automobiles would exist onto Clay Street. An arcade on Montgomery Street would effectively widen the sidewalk area available to pedestrians and would provide shelter to persons waiting at the bus stop at the corner. The matter had been brought before the Commission for Discretionary Review because of the Commission's policy of conducting Discretionary Reviews of all building permit applications for properties located within the Portsmouth Corridor area.

President Rosenblatt asked if anyone were present to speak in opposition to the project and received a negative response.

Commissioner Starbuck asked if the proposed building would take advantage of any floor area ratio bonuses. Robert Passmore, Planner V (Zoning), replied in the negative but indicated that the plans had taken advantage of a corner premium which permitted 20% more floor area than would otherwise have been allowable. The building cannot take advantage of both floor area ratio bonuses and a corner premium. He recommended that the plans be approved subject to eight specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Wentz, and carried 5 to 1 that the draft resolution be adopted as City Planning Commission Resolution No. 7824. Commissioners Bierman, Dearman, Nakashima, Rosenblatt and Wentz voted "Aye"; Commissioner Starbuck voted "No".

Commissioner Starbuck stated that he had voted against the proposed project because it would remove existing housing units and would provide no replacement in return. The property is in a border area between the financial district and a residential district; and, with the demolition of the International Hotel, considerable amount of low income housing would be lost in this very sensitive area. He indicated that he would not have been so much opposed to the project if it would have included some new housing.

DR77.59 - 821 MARKET STREET, SOUTHWEST CORNER OF MARKET AND FOURTH STREETS. DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7708567 FOR A SIXTEEN-STORY ADDITION TO AN EXISTING OFFICE BUILDING USED AS AN APPAREL MART. THE ADDITION WILL HAVE A HEIGHT OF 213 FEET AND WILL CONTAIN APPROXIMATELY 336,400 SQUARE FEET OF FLOOR AREA (EE76.164)

Charles Gill, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which has a 190-foot frontage on Market Street, a 275-foot frontage on Fourth Street, and a 150-foot frontage on Jessie Street for a total of approximately 1.55 acres. The Market Street frontage of the site is presently developed with a nine-story building; and the remainder of the property is developed with a surface parking lot. The proposed project would consist of the renovation of the existing nine-story building which has approximately 234,800 square feet of floor area and is presently the San Francisco Apparel Mart, and the addition of a new element containing approximately 336,400 square feet in sixteen stores fronting on Fourth Street, for joint use as an expanded and consolidated apparel mart. A later phase of construction could involve the addition up to 229,500 square feet in another building. The project had been brought before the Commission for Discretionary Review in accordance with the policy adopted by the Commission in Resolution No. 6111 which called for Discretionary Review of all new buildings on Market Street to insure that the buildings are designed so that they are compatible with and enhance public improvements being installed on the street.

Stso Chen, representing the applicant, 321 Market Street Associates, advised the Commission that the proposed project was being undertaken to fulfill the needs of the apparel industry; and he indicated that he and his associates would be ready to begin phase II of the project, involving construction of the new building fronting on Fourth Street as soon as permit approval is obtained. He stated that San Francisco is in danger of losing its apparel industry to another city unless a new apparel mart can be provided. The proposed project would provide jobs for hundreds of construction employees during the next two years; and, upon completion, the project would provide more than 450 full-time jobs and many indirect jobs. He estimated that the project would bring approximately \$500,000 of additional tax revenue to the City annually.

Piero Patri, architect for the applicant, described site plans, floor plans, and elevations which he had prepared for the proposed project. He emphasized that the site is in the middle of the retail area of the City; and he noted that it has

excellent public transit access. A large market hall would be provided beneath both the old and the new building running from Market Street to Jessie Street; and, when that space is not being used for shows, it would be used for loading and unloading. Windows in the new building would be designed so that they could be open part way by occupants of the building for fresh air; and, with a key, they could be fully opened by window washers for cleaning.

Commissioner Bierman asked if restaurants in the project would be open to the public. Mr. Patri replied in the affirmative.

Mr. Chen stated that the buildings would be equipped with a computer system to control and direct clients who would be visiting the facility.

Lyman Jee stated that he was promoting a competing project. He also advised the Commission that he was representing approximately 100 tenants of the building at 821 Market Street and a number of clients who represented top lines in the apparel industry. He then submitted and read a letter, the text of which was as follows:

"Please be advised that we request that you require the subject project's sponsor to prepare a complete Environmental Impact Report (EIR) relative to the adverse traffic/parking impact caused by the special wholesale use of the proposed project. Such statements made in the Negative Declaration dated September 23, 1977, by the sponsor and staff member are misleading, relative to the actual adverse impact and final design solution of this proposed Apparel Center.

"This adversity is substantiated by the EIR report adopted by you in July, 1973, on the Yerba Buena Center Public Facilities and Private Redevelopment. The report states that there is a 14,163-people user population on a 24-hour day basis in the YBC Apparel Center (see Section G, Transportation, Table G-3, page V-6-22). This total is broken down as follows:

1. Resident/Employee trips - 3,563 persons
2. Visitors (Buyers) trips - 10,000 persons
3. Service trips - 595 persons

"It is important to note that the nature and livelihood of the business residents (salesmen) is literally a one person to one auto/van criteria. The salesmen must transport weekly his wares, such as several 6-ft. clothes racks, along with receiving new goods to show to his buyer. The visitors (buyers) will come on a 3 to 2 person per auto basis or 3,300 to 5,000 auto trips, or a total in excess of 9,500 per day auto parking/loading docks demand is created.

"The subject sponsor does not address himself to this people demand architecturally or environmentally to the neighborhood. They provide 7 loading docks and 150 spaces with access from Jessie Street. Jessie Street is an already congested 20-foot alley running from 4th to 3rd Streets one way. He does not solve the loading dock problems for the salesmen or the 6 shops on Market Street. He does not relate such impact as it relates to the traffic in Jessie Street alley or the already loaded parking demands on permanent garages such as Mission or Hearst Garage.

"While the project sponsor is entitled to build a project of his choosing, he must address himself to not only the highly populated specialized use of his proposed tenants, but the adverse impact he may create for the neighborhood. We trust that the Commissioners will agree to this adverse impact."

Mr. Jee stated that he did not feel that the verticality of the apparel mart proposed by the applicant was the right solution to redesign of a proper apparel mart; and he indicated that approximately 120, or close to 80%, of the tenants of the building at 321 Market had already signed up to move to the new apparel mart which he proposed to construct at 3rd and Mission Streets. He felt that the facility proposed by the applicant would generate a great deal of traffic in an area which is already congested; and he urged the Commission to defer action on the proposed project until the Environmental Impact Report for the Yerba Buena Center Project is completed.

Mr. Passmore stated that the traffic issues raised by the proposed project had been analyzed on the basis of information provided by the consulting firm of De Leuw Cather & Company; and he indicated that the staff of the Department of City Planning had been satisfied that the project would not have adverse traffic impacts on the neighborhood.

Hans Corbi, representing the firm of De Leuw Cather & Company, stated that his firm had conducted a complete survey of the traffic generated by the existing apparel mart at 321 Market Streets; and they had used that information to project the traffic impacts which would be generated by the proposed facility when it is completed. They had also surveyed the location of the residences of tenants, employees, and buyers during business in the present facility; and they had determined that there would be sufficient off-street parking spaces in the area to accommodate the projected parking demand which would be generated by the proposed facility. In reply to a question raised by Commissioner Starbuck, Mr. Corbi stated that the projections had taken the third phase of the proposed project into account.

At this point in the meeting, Commissioner Dearman left the meeting room.

Ed Baker, a tenant in the apparel mart at 321 Market Street, advised the Commission that parking and unloading space for transient members is the greatest problem experienced by the apparel mart in its present location and given its present facility. At times, as many as 600 transient members would be bringing merchandise to the apparel mart; and they could not park their vehicles in the Fifth and Mis-

sion parking garage and bring their clothing racks across the street to the apparel mart. While he acknowledged that the remodeling work being done in the building at 321 Market Street is of high quality; however, the most important need at the present time is for a facility which would enable all 300 members of his apparel association to participate in a show at the same time. Unless such space can be provided, he believed that San Francisco would never regain its vitality as an apparel center.

Another tenant of the building at 321 Market Street spoke in favor of the proposed project. He advised the Commission that San Francisco has two apparel guilds; and, as a result, buyers must visit representatives of each of the guild, separately. If San Francisco is to regain its eminence as an apparel center, he felt that it was essential that a single large apparel mart be provided.

Bernard Averbuch, Executive Director of the Market Street project, stated that the Board of Directors of his organization were of the unanimous opinion that the proposed project would benefit the area; and, as a result, they urged the Commission to approve the project.

Robert Friedberg, a tenant of the building at 821 Market Street, stated that he would prefer to remain in his present quarters rather than to move to a new facility at 3rd and Mission Streets. When buyers come to town, their visits benefit not only people involved in the apparel industry but San Francisco as a whole.

Chester Chen, asked Mr. Baker if he had authorization from all of the members of his guild to present the statement which he had made to the Commission. In reply, Mr. Baker stated that he felt that Mr. Chen was suggesting that he could advise the Commission that the Board of Directors and officers of his skill had signed an agreement with Mr. Jee which dated back to 1972 and had been renewed on several occasions.

Jim Banderhorn, a representative of the applicant, noted that Mr. Jee had inferred that the design of the proposed project would be inappropriate for an apparel mart; but he advised members of the Commission that the architects for the applicant had held hundreds of interviews across the country before completing their plans; and, based on the information which they had obtained, they fully expected that the proposed buildings would be completely functional.

Mr. Passmore stated that he had understood that the building had been designed so that it could possibly be converted for office use in the future, if necessary. Mr. Chen confirmed Mr. Passmore's understanding, remarking that while the space would not be perfectly suited for office use, it could nonetheless be used for such a purpose.

Mr. Passmore then recommended that the building permit application be approved subject to seven specific conditions which were contained in a draft resolution prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Wentz, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7825.

CONSIDERATION OF MODIFICATIONS TO ZONING MAP INITIATED BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, BY RESOLUTION NO. 7499.

MAP CHANGES:

- a. 50 THROUGH 98 ORD STREET; ASSESSOR'S BLOCK 2626; LOTS 8, 9, 9A, 10A, 11, 12, 13 AND 14. FROM RH-1 TO RH-2 (EXISTING ZONING R-2).
- b. 185 AND 187 BROMPTON STREET; ASSESSOR'S BLOCK 6756; LOTS 14 AND 15. FROM RH-1 TO C-2 (EXISTING ZONING: LOT 14: C-2; LOT 15: R-1).
- c. 1319 THROUGH 1343-45 26TH AVENUE; ASSESSOR'S BLOCK 1781; LOTS 2, 3, 4, 5, 6, 7 AND 8. FROM RH-1 TO RH-2 (EXISTING ZONING R-2).

Robert Passmore, Planning V (Zoning), noted that the Commission had acted on May 20, 1976, to adopt detailed zoning maps and standards for reclassifying all of the residential areas of the City based on an outline of zoning districts and standards which had been submitted by the staff of the Department of City Planning; and the reclassifications initiated on that date continue in effect pending completion of the residential zoning study. During the interim, the Commission had occasionally adopted resolutions amending the initiated zoning of individual parcels of property either to correct zoning that appeared to be inappropriate or to facilitate new development. Additional requests had been received for reclassification modifying the initiated proposals for properties on Ord Street, Brompton Street, and 26th Avenue to allow construction of projects which had been pending for a considerable length of time; and Mr. Passmore indicated that it was the recommendation of the staff of the Department of City Planning that the request be approved and the proposed zoning map be amended accordingly.

After discussion, it was moved by Commissioner Wentz, seconded by Commissioner Nakashima, and carried unanimously that Resolution No. 7826 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby make the changes to the proposed zoning maps initiated under City Planning Commission Resolution No. 7499, dated May 20, 1976, as modified by City Planning Commission Resolution No. 7515, dated June 24, 1976, Resolution No. 7591, dated October 28, 1976, and Resolution No. 7705, dated April 14, 1977:

- a. 50 through 98 Ord Street; Assessor's Block 2626; Lots 8, 9, 9A, 10A, 11, 12, 13 and 14. From RH-1 to RH-2.
- b. 185 and 187 Brompton Street; Assessor's Block 6756; Lots 14. From RH-1 to RC-1.
- c. 1319 through 1343-45 26th Avenue; Assessor's Block 1781; Lots 2, 3, 4, 5, 6, 7 and 8. From RH-1 to RH-2; and

"AND BE IT FURTHER RESOLVED, That the declaration of interior of May 20, 1976, and the controls and procedures hereunder shall remain in effect, unless modified by further resolution of this Commission, until the effective date of permanent new zoning maps and controls enacted by the Board of Supervisors."

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

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Minutes of the Regular Meeting held Thursday, October 20, 1977.

The City Planning Commission met pursuant to notice on Thursday, October 20, 1977, at 100 Larkin Street, at 2:15 p.m.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck and John Wentz, members of the City Planning Commission.

ABSENT: Susan J. Bierman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert W. Passmore, Planner V (Zoning); Alec Bash, City Planning Coordinator; Peter Groat, Planner IV; Nathaniel Taylor, Planner III; Jonathan Twichell, Planner III; Marie Zeller, Planner III; Robin Jones, Planner II; and William Ward, Acting Secretary.

The press was represented by Gerald Adams of the San Francisco Examiner and Dan Bor... of the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of a field trip scheduled for Thursday, October 27, 1977, at 12:45 p.m. to visit sites of the November Zoning Cases.

The Director announced that the supplemental request for funds to complete the mailing for the Residential Zoning Study had been forwarded to the Board of Supervisors by the Mayor's Office. He asked members of the Commission to attend the Board's meeting to speak in support of the request.

The Director introduced the next item regarding the Red Rock Hill Condominium Subdivision. The Director reminded the Commission that the Public Hearing had been closed on this item previously, and that the Commission had requested that a staff report on this matter be submitted to the Commission on the date of the next action on this item scheduled for November 17, 1977. The Director stated that a request had been submitted to have the date for Commission action changed to an earlier date.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"I would like to report that immediately after the close of the public hearing last Thursday, (October 13, 1977) the subdivider's representative approached me and asked that the matter be moved to an earlier date, because of a decision that the subdivider had to make with regard to proceeding with the condominium conversion, which had to occur from the developer's standpoint, before November 17, 1977.

"The subdivider also indicated that the subdivider would be willing to provide whatever necessary clerical and mechanical assistance that might be necessary in order to permit staff to accomplish what it stated it would do before the next hearing. Such items as providing information to tenants, conducting an informal survey and also mapping existing condominiums in San Francisco.

"Based upon the offer of assistance of the subdivider for clerical and other mechanical services and upon volunteers on staff, we believe that we would be able to prepare the information requested prior to November 17, 1977, and in fact, thought that we could accomplish this by November 3, 1977.

"Since that time we have also met with the City Attorney's office which has advised us that it is the subdivider's prerogative to conduct the official survey as to whether thirty-five percent (35%) of the tenants approve or do not approve of the subdivision. It is also a tenants right to withdraw the consent in principle at any time until a tentative map is filed. So the survey that we propose to conduct will be one for the information of the Commission, rather than one which would meet the requirements of the Subdivision Code.

"I would also say that the map for the subdivision was filed with the City during August and the Subdivision Code does provide for the City's acting on a tentative map within fifty (50) days after that filing. We have had one extension of time since then, but would be requiring a further extension of time before the November 3, 1977, hearing date.

"With those considerations staff felt that it could accomplish the required work and could provide notice to tenants of the change in hearing date, staff would therefore recommend that the matter be rescheduled for November 3, 1977".

Commissioner Dearman asked if that was the only reason for moving the matter to the meeting of November 3, 1977. Mr. Bash responded by saying that it was the basis for the staff recommendations. However, Mr. Bash did indicate that tenants were concerned about their

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ability to respond to all the information related to the project within the shorter time period. "We feel, however, that with our mailing information out within ten (10) days and conducting our own surveys that we could respond to the tenants concerns," Mr. Bash said.

Commissioner Dearman asked if there were tenants present who wished to respond to the staff recommendation of moving the hearing date.

Mr. Bash indicated that representatives of the subdivider and the tenants were present and wished to speak.

President Rosenblatt asked if it was the Commission's desire to hear public testimony at this time.

Commissioner Starbuck stated that he wished to hear public testimony.

President Rosenblatt asked who was going to propose the survey form.

Mr. Bash indicated that a draft survey form proposed by departmental staff was available for Commission review. Mr. Bash further stated that the Department had also received a draft from the subdivider, which had been rewritten in a more appropriate manner by staff.

President Rosenblatt asked if a representative of the applicant wished to speak on this item.

Mr. Ariel Basse, representing Mr. George Urbani, the subdivider, stated that Mr. Bash had adequately covered most of the pertinent items related to the subdivider's request. Mr. Basse, however, did indicate that there were compelling reasons for a decision on this item prior to November 15, 1977.

Commissioner Dearman asked Mr. Basse to elaborate on these reasons.

Mr. Basse responded by saying that there were several actions that had to be taken (by subdivider) prior to November 15, and some of those actions were conditional on the approval of the tentative map.

Commissioner Starbuck asked if those actions were related to the Subdivision Ordinance or to the subdivider's own personal commitments.

Mr. Bash indicated that the actions were related to the subdividers own personal commitments. He further stated that if the Commission took no action until November 17, 1977, and granted approval, the request would become a moot issue. He then reiterated his request for action before November 15, 1977.

At this point, a representative of the tenants groups asked for some assurances that the survey would be conducted in an impartial manner, given the offer of assistance by the developer. Mr. Bash reiterated that the help would be in the form of providing assistance in typing material which departmental staff had prepared and if the City Planning Commission desired, Department of City Planning staff could examine all the typed material, before it was distributed to residents. Mr. Bash also indicated, that all material would be returned directly to the Department of City Planning for tabulation.

Commissioner Wentz then asked if anyone was bothered with the fact that the point was raised at the last meeting about the propriety of saying anything about the selling price of the units before the vote was taken.

Mr. Basse pointed out that the subdivision ordinance did not allow inducements to be offered in the process of obtaining the necessary 35% (thirty-five percent) tenants approval. In addition, he indicated that conditions set forth in the information presented during the previously held public hearing on this matter and contained in written material presently available to the Commission, were the conditions that the subdivider would be willing to comply with.

Commissioner Wentz indicated that there were certain inducements reflected in the written material such as the \$8500 discount to the present tenants over the going market price.

President Rosenblatt added that the problem with inducements of this type offered by the developer, was that it could be withdrawn. He then suggested that the carrying out of specific offers or inducements by the subdivider be a condition for Commission approval.

Commissioner Dearman inquired as to whether or not the units could be offered at a different asking price.

Mr. Basse responded that the resolution that would be prepared by the staff and approved by the Commission would indicate that a certain price level would be guaranteed up to a certain date.

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Commissioner Dearman asked if that date was May 15, 1978. Mr. Basse responded in the affirmative.

Mr. Bash then added that after May 15, 1978, tenants would continue to have rights to discounts based upon the subdivider's offer.

The Commission then received further comments from a representative of the tenants association who indicated that the association was neither for or against the proposed condominium conversion. They were simply concerned that the tenants group was not being given sufficient time to review the proposal and make an informed input into the Commission's decision making process. As a result, the tenants group had been deprived of the opportunity to hold formal meetings for the purpose of discussing the proposal and developing a position with regard to the subdivider's request.

After further discussion it was moved by Commissioner Starbuck that the hearing date remain on November 17, 1977, as calendared. Prior to a second, Mr. Basse stated that the developer had to exercise his option on the property prior to November 15, 1977.

After some additional discussion, Commissioner Wentz submitted a substitute motion, seconded by Commissioner Elliott, moving the date for Commission action to November 10, 1977. The roll call vote was as follows: (Voting yes: Commissioners Elliott, Rosenblatt, Wentz; voting no: Commissioners Dearman, Nakashima, Starbuck.)

President Rosenblatt then recalled the previous motion made by Commissioner Starbuck, moving the date to November 1, 1977, to the floor. The roll call vote was as follows: (Voting yes: Commissioners Dearman, Nakashima, Starbuck. Voting no: Commissioners Elliott, Rosenblatt, Wentz.)

Rai Y. Okamoto, Director of Planning, then indicated that he had been reminded that staff had originally recommended November 17, 1977, because it was anticipated that the required clerical work could not be completed before that date and it was felt that a full Commission calendar would have made it difficult to hear the matter on November 10, 1977. However, with the subdivider's offer of assistance and additional information regarding time available on the calendar, staff had subsequently changed its recommendation to November 10, 1977.

The Director also indicated that the Commission had heard the argument made regarding the possible loss of opportunity to exercise an option before and that it was his understanding that the options were sometimes extended.

Mr. Basse stated that the option had already been extended twice. He then briefly recounted the events which had occurred.

Motion was then introduced by Commissioner Wentz and seconded by Commissioner Elliott, that the matter be moved to the Regular Meeting of November 10, 1977, without a commitment to make a decision, at that time. The roll call vote was as follows: (Voting yes: Commissioners Elliott, Nakashima, Rosenblatt, Starbuck, Wentz; voting no: Commissioner Dearman.)

CURRENT MATTERS

The Director reminded the Commission of a workshop to be held on Saturday, October 22 at 10:30 a.m. in the San Francisco Museum of Art's Conference Room, to discuss the proposal for a Hayes Valley Rehabilitation Assistance Program.

The Director announced that he would speak at a breakfast meeting of the recently established Economic Development Council scheduled for November 21, 1977.

The Director advised the Commission that the San Francisco League of Women Voters will sponsor a series of four urban crisis forums, the initial session will be on November 11, 1977, from 9:00 a.m. to 12:30 p.m.

The Director read a letter inviting the Department to attend the National Earthquake Conference scheduled for November 15, 16, 1977. The Director and Mark Winogrand will represent the Department as well as the State of California at the Conference.

The Director announced that he would be a panelist at a Meeting of the Bay Area Planning Director's Association scheduled for October 21, 1977.

The Director announced the resignation of David Lynch, Planner I and Dave Fulton, Planner II. The Director also read letters of appreciation submitted to the Department on behalf of Nat Taylor and Dick Gamble.

The Director asked for comments from the Commission on a draft letter to be submitted to the Civil Service Commission regarding the vacant position of Assistant Director of Planning.

The Director advised the Commission that a staff response to a letter submitted to Supervisor Kopp from the U.S. Department of the Interior, regarding the use of Alcatraz Island was in progress.

The Director read a letter sent to President Rosenblatt, informing him of the City's intent to participate in the Urban Development Action Grants Program.

George A. Williams, Assistant Director-Plans and Programs, distributed copies of a summary of work program activities for the Plans and Programs Section.

The Director introduced Mr. Jeffrey Harris of Australia as a visitor to the City.

Commissioner Starbuck requested information on the status of the Environmental Impact Report for the Ralph K. Davies Medical Center. Robert Passmore, Planner V (Zoning), indicated that the item was scheduled for the November 10, 1977 Commission meeting.

Commissioner Elliott requested that one month's advance calendar be mailed to members of the Commission.

President Rosenblatt requested that an executive session of the City Planning Commission be scheduled for November 3, 1977, at 12:30 p.m.

Commissioner Starbuck requested that information on Condominium Conversions be included in the Housing Inventory Report for 1978.

PUBLIC HEARING TO RECEIVE COMMENTS AND SUGGESTIONS FROM THE PUBLIC RELATIVE TO THE DEPARTMENT OF CITY PLANNING'S WORK PROGRAM AND BUDGET FOR THE NEXT FISCAL YEAR (JULY 1, 1978 - JUNE 30, 1979.)

The Commission voted unanimously to continue the matter indefinitely.

PRESENTATION OF ARCHITECTURAL GUIDE STANDARDS FOR THE RENOVATION OF OCEAN AVENUE STOREFRONTS.

Nathaniel Taylor, Planner II, made a brief slide presentation of proposed architectural design guidelines for the Ocean Avenue neighborhood commercial area.

ABAG STAFF REPORT ON ENVIRONMENTAL MANAGEMENT TASK FORCE.

Dean Matris, Deputy Executive Director of the Association of Bay Area Governments (ABAG) and B.J. Miller of ABAG's staff made a brief presentation and responded to questions related to the proposed regional environmental management plan and the need for San Francisco's participation. After the presentation it was motioned by Commissioner

Dearman, seconded by Commissioner Starbuck to request that the Director prepare a letter, on behalf of the City Planning Commission, to Supervisor Feinstein and Mayor Moscone, encouraging quick action on the Department of City Planning's requests to use \$29,000 for consultants services to assist the Department with its activities with regard to the Environmental Management Plan. The motion passed unanimously.

NEIGHBORHOOD COMMERCIAL DISTRICT REPORT

Nathaniel Taylor, Planner II, presented Neighborhood Commercial District Report for Ocean Avenue and also presented the Architectural Design Standards which were adopted by the Local Merchants Association.

STATUS REPORT ON PREFERENTIAL PARKING PROGRAM.

Dave Fulton, Planner II, made a brief status report on the City's Preferential Parking Program. He reported that results had been checked at Balboa Park Bart Station by the Department of Public Works and appeared to be working. Mr. Fulton also indicated that the North Beach plan would be implemented in January 1978 and a Police Department request for additional forces to assist with the programs implementation had been approved by the Mayor's Office.

Mr. Fulton advised the Commission of Supervisor Feinstein's request to have stickers for the program issued to employees who were not residents.

A motion by Commissioner Starbuck, seconded by Commissioner Dearman requesting the Director to prepare a letter on behalf of the City Planning Commission asking that Supervisor Feinstein reconsider her proposed legislation to include employees of businesses in preferential parking areas in the program. The motion passed unanimously.

EE77.250 - PUBLIC HEARING ON A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 1978 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOUSING ASSISTANCE PLAN.

The Commission agreed to take this matter under advisement until the Regular Meeting of October 27, 1977.

HOUSING INFORMATION PROGRAM.

Peter Groat, Planner IV, presented information contained in the Department's Annual Housing Information Report.

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CONSIDERATION OF DRAFT RESOLUTION RELATING TO IMPLEMENTATION OF
TRANSPORTATION POLICIES CONTAINED IN THE NORTHEASTERN WATERFRONT
PLAN.

The Commission agreed to take this matter under advisement until the
Regular Meeting of October 27, 1977.

The meeting adjourned at 6:15 p.m.

Respectfully submitted,

William H. Ward
Acting Secretary

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DEPT. OF CITY PLANNING

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, October 27, 1977.

The City Planning Commission met pursuant to notice on Thursday, October 27, 1977, at 12:45 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Susan J. Bierman, Ina F. Dearman, Vice-President; Yoshio Nakashima, Charles Starbuck, John Wentz, and Wallace Wortman, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George Williams, Assistant Director-Plans and Programs; Robert W. Passmore, Planner V (Zoning); Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Edward Michael, Planner III; Marie Zeller, Planner III; Kosrof Chantikian, Staff Aide I; and Robert H. Feldman, Planner II and Acting Secretary.

Dan Borsuk represented the San Francisco Progress.

12:45 P.M. FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:45 p.m. to take a field trip to properties which will be considered during November.

APPROVAL OF MINUTES

President Rosenblatt asked if there were any corrections; and after Commissioner Starbuck moved for approval with two corrections; the minutes of the Regular Meeting of September 29, 1977 were approved unanimously.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, introduced R. Spencer Steele Assistant Director-Implementation (Zoning Administrator), who reported on the action of the Board of Permit Appeals regarding the building application to alter and expand an existing commercial building at 3701 Buchanan Street on the northwest corner of Buchanan and Northpoint Streets. The Planning Commission had denied discretionary review over the building application and the Board of Permit Appeals had approved

the plans with a modification to them resulting in only one entrance for the building on Northpoint Street. He added that the department representative was not present to report details but that the appellant had submitted evidence that the office proposed for that portion of the building nearest the residential district on Northpoint Street would be open in the evening and on weekends. This information had not been available to the department and the Commission when discretionary review had been denied.

The Director reported that a lively discussion had developed in a workshop the previous Saturday in the Hayes Valley to discuss a possible rehabilitation assistance program in the area. Another workshop will be scheduled.

The Director indicated that a workshop had been held Tuesday night in the Bayview area to discuss a possible joint RAP-Redevelopment Program. Further workshops are planned in this area also.

The Director reported that a presentation by staff in the Bayview Industrial Triangle area west of Third Street, for rehabilitation of some of the more deteriorated sites, to representatives of the business community, was favorably received.

The Director reported that the finance committee of the Board of Supervisors approved the Department's Community Development Block Grant budget with no significant changes. He added that no intern had been engaged to prepare the map of health facilities which the Commission had requested and that four CETA positions have been approved; two to work on historical districts, one on center city circulation, and one clerk for zoning enforcement. The Director then reported on recent personnel changes in the Department of City Planning.

Commissioner Starbuck complimented the staff who had worked on the Hayes Valley RAP presentation. The Director noted that this was the same team that had worked on the North of Market area, with the addition of Wil Hardee, neighborhood liaison planner for the area, including Moira So, City Planning Coordinator; Eva Levine, Staff Aide I; and Dick Gamble, Planner IV.

President Rosenblatt reminded the Commission that there will be an executive session on personnel matters at 11:00 a.m. on November 3, 1977.

President Rosenblatt requested that a meeting be scheduled so that the Redevelopment Agency and consultants could make an informational presentation to the Commission on Yerba Buena Center. The Director agreed to arrange this for the meeting of November 17, 1977.

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Mr. Steele reported that Ralph K. Davies Medical Center and neighborhood representatives had requested that the public hearings for the project be rescheduled. After discussion, Commissioner Dearman moved, Commissioner Starbuck seconded, and it was adopted unanimously that such hearings be scheduled on December 8, 1977.

CONSIDERATION OF DRAFT RESOLUTION RELATING TO IMPLEMENTATION OF TRANSPORTATION POLICIES CONTAINED IN THE NORTHEASTERN WATERFRONT PLAN. (CONTINUED FROM MEETING OF OCTOBER 20, 1977)

President Rosenblatt explained that this was a matter continued from the previous meeting and asked whether or not there was anyone in the audience who wished to address the Commission. There was no response. Commissioner Starbuck indicated that the matter had been put over in order for Commissioner Elliott to clear the matter with City departments and that this had been done. Commissioner Wentz noted that the department heads had been meeting to implement these policies for some time and that this effort was continuing. Commissioner Starbuck said that copies of the Resolution would be forwarded to all the members of the Port Commission and the Public Utilities Commission. Commissioner Wortman moved, Commissioner Wentz seconded and the Commission unanimously approved the draft as City Planning Commission Resolution No. 7827.

LM77.8 - LANDMARK DESIGNATION FOR CALVARY PRESBYTERIAN CHURCH SANCTUARY BUILDING, 2501 FILLMORE STREET, NORTHWEST CORNER OF JACKSON STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), presented the case to the Commission and indicated that he would make a single presentation for this matter as well as items 6 and 7 on the calendar for landmark designation of the education building of Calvary Presbyterian Church, 2515 Fillmore Street and the Certificate of Appropriateness for demolition of the education building of Calvary Presbyterian Church. He said that these items related basically to the same institution although they were two separate buildings and he described the church building and the history of the congregation and the two structures. Commissioner Bierman noted that the City Planning Commission had acted on this matter on September 22, 1977, when it authorized with conditions the replacement of the existing education building with a new structure. She said that it was her understanding that the Commission's authorization had included a condition that the existing facade of the education building would be retained on the new education building. Mr. Steele responded that the authorization had been for a demolition of the existing educational building and a new facade. Mr. Steele continued with a description of the Certificate of Appropriateness process necessary in the case of alterations of buildings designated as landmarks.

Mrs. Platt, President of the Landmarks Preservation Advisory Board, described to the Commission the action of the Board and she reported that the Landmarks Preservation Advisory Board had requested that the City Planning Commission not act on the Certificate of Appropriateness for demolition of the education building until after the Board of Supervisors had acted on the request for designation of that building as a landmark. She said that in her opinion it would not be appropriate at this time to approve a Certificate of Appropriateness.

President Rosenblatt asked that the hearing proceed step by step and that the Commission would take up the matter of the Certificate of Appropriateness for demolition of the education building only if the prior item was approved by the Commission. Mrs. Platt agreed with this procedure.

Mr. Steele continued with his presentation and indicated that the Calvary Presbyterian Church had had a dynamic history over the years and had originally been located at another site. He summarized the history and gave the Director's recommendation for action by the Commission for both items 5 and 6 on the calendar.

Mr. Steele said the staff recommendation on designation as a landmark for the sanctuary building was for approval and he summarized the purposes section of Article 10 of the City Planning Code, the Landmarks Preservation Ordinance. He noted that the Landmarks Board had initiated designation for the sanctuary building on September 22, 1977, and had recommended approval of the proposal. He said that in the opinion of the staff the proposed landmark had a special character and special historical, architectural and aesthetic interest or value and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of Article 10. He noted that the Landmarks Preservation Advisory Board Resolution No. 165, as adopted September 21, 1977, was incorporated in the proposed resolution before the Commission and made a part of the record and that the proposed landmark should be preserved generally in all of its particular exterior features as existing presently and as described in the photographs, case report and other material on file in the Department of City Planning Docket LM77.8. To bring this action in conformity with the resolution of the Planning Commission of September 22, 1977, the staff of the Department would be directed to determine the extent of changes to the north wall of the sanctuary which may be necessary in the demolition of the education building and its replacement.

As for the education building he said it was the staff recommendation that landmark designation be disapproved for the reason that the education building erected in 1902-1904, no longer meets the needs of the educational and other ancillary programs of Calvary

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Presbyterian Church and that rehabilitation of the building or retention of its facade on a replacement structure is not economically feasible. In addition, he said that prior to the initiation of designation of the education building by the Landmarks Board the Calvary Presbyterian Church had indicated its intent to demolish the education building and replace it with a new structure more suitable to the needs of the congregation and the neighborhood and that the staff believed that the historical and architectural importance of Calvary Presbyterian Church is symbolized in the sanctuary and not in the education building. Finally, he said that the City Planning Commission had adopted Resolution No. 7805 on September 22, 1977, authorizing with conditions the replacement of the existing education building with a new structure.

Commissioner Bierman asked for an explanation of the legal position the Commission found itself in, due to its prior conditional use authorization and the present matter before it. Mr. Steele reviewed the language of Resolution No. 7805 passed in September. He continued with a description of the procedure to be followed in this case and indicated the consequences of the various possible actions of the City Planning Commission in the matter. Commissioner Bierman asked for the date that the Department of City Planning first became involved with this item. Mrs. Platt responded that it was her understanding that the Landmarks Board had become involved late in September. Edward Michael, Planner III and Secretary of the Landmarks Board, responded that the Landmarks Board had shown interest in the building probably earlier than September. President Rosenblatt addressed a question to Charles Gill, City Planning Coordinator and head of the project review staff of the Department of City Planning. Mr. Gill indicated that the staff of the Landmarks Board had been contacted when the architect had first discussed with him the matter of a rebuilding of the education building. He said that he had been advised that the Landmarks Board had not expressed interest in the church. Commissioner Bierman said that she could not conceive that the Landmarks Board would not be interested in these buildings. She said she wasn't sure that a mistake had been made but she could understand that with the lack of personnel on the Landmarks Board staff that sufficient interest could not have been expressed in time to bring the matter to the Landmarks Board as early as would be desirable. She said that maybe this indicated that churches generally throughout the city should be looked into by the Landmarks Board so that this sort of occurrence was not repeated.

Rai Y. Okamoto, Director of Planning, said that Department staff in communicating with the Landmarks Board about proposed projects had to use its professional judgement and to take the Landmarks Board's advice in such matters. He said that because of the need for controlling the work load of the project reviewing staff that comments from

the Landmarks staff were solicited only where there had been an expressed interest or concern over a building or site. He said in this case that procedure had been followed and that no clear landmark concern had been expressed to the project review staff.

President Rosenblatt addressed the audience and asked how many of those present were interested in this matter. Approximately sixty people raised their hands. He said that those who were there to respond to items scheduled for 3:00 p.m. could expect to be heard at 4:00 p.m. or later because of the heavy turnout for the items presently under discussion.

President Rosenblatt asked whether the Commissioners had any further questions. Commissioner Dearman asked whether it was a common practice to start the Landmark designation procedure at the time a new development for alteration was proposed. Mrs. Platt responded that it appeared at the present time that communication between the Department staff and the Landmark staff had broken down and as a result this matter had come up at a late point in the procedure. Commissioner Dearman then asked whether it was usual to designate as a landmark a building that is not usable. Mrs. Platt responded that no building designated as a landmark had yet been lost and that none of them were empty.

President Rosenblatt asked for a brief description of the architectural characteristics of the building. He said that the outstanding architectural factors were usually described more fully in such matters. Mrs. Platt responded that a thorough description of the architectural character of the building had been prepared in a draft report by Randolph Delahanty, the architectural historian. She said that the report was not before the Commission. Commissioner Bierman asked how much time had elapsed between construction of the two buildings, the sanctuary and the education building. Mrs. Platt responded that the exact timing of construction of the two buildings was unclear but that a contemporary contractor's notice indicated that the education building was constructed first. She said that the church staff didn't believe this was true, but that in any case there was probably only one year's difference in construction time for the two buildings. Commissioner Bierman said she thought they were pretty much a single building. Mrs. Platt then submitted to the members of the Commission photographs of the building. She said that the illustrations show that the building is very symmetrical and that most people see it as a single entity.

Mrs. Platt then said that she hoped that an early warning system could be activated so that the Landmarks Board would be given enough opportunity to review buildings for which alteration or demolition

proposals were forthcoming. She expressed concern that the present matter had come to the Landmarks Board after the Department staff had worked with the applicant to design a replacement building. She said there was a lengthy list of projects which had come to the Landmarks Board at the last minute and that this was not a good procedure. She said that it caused great emotional wear and tear on the staff and the Landmarks Board members. She said in her view the staff of the Department of City Planning was not competent to make judgements concerning the architectural and historical characteristics of buildings. In answer to the concern of Commissioner Dearman for churches, she said that one of the reasons they had not been systematically looked at for possible landmark designation was because they were not on the tax rolls, and also because there were so many of them in the City. She said that the Landmarks Board was only able to react to requests for designation and that this particular building would not have come up in the ordinary course of business for a long time. Mrs. Platt continued that the Landmarks Board had voted four to two to recommend designation of the education building as a landmark. She said one of the members who had voted against designation had indicated an absolute right of the church to do what it wanted to with the building at any time. The other member who had voted against designation had indicated that while the architectural importance of the building had to be considered, in this case there were social needs of the church which outweighed the architectural importance.

President Rosenblatt said that the Commission would now take public testimony. Mrs. Anne Bloomfield said that she had submitted a letter to the Commission members that was before them and that she had not discussed the facade when she had last appeared before the Planning Commission in September. She said that it was her understanding at this time that the matter of the saving of the facade had been held over. She said that the Department of Public Works had not condemned the building although the condition of the building may be poor. She thanked Commissioner Bierman for her remarks and asked that the Commission help in saving the facade.

Winchell Hayward, the original initiator of landmark designation spoke next. He said that it was only an assumption that a new building was necessary and that he had never seen a report condemning the original building. He asked that a structural engineer who was friendly to historic preservation be allowed to analyze the building. He said this might show that the present building could be renovated with the old facade remaining intact. He went on that since the education building had a similar exterior to the sanctuary that both should be treated in the same manner and both should be designated as landmarks. He said that the schedule of payments for the original construction indicated that the education building was built first.

After briefly giving the history of the construction of the building he said that he had learned through informal means that the education building was being demolished for a new structure. He asked that the Commission lean over backwards in order to designate the education building as a landmark because the staff of the Department of City Planning had not told the Landmarks Board of the impending plan to demolish the building. He said from his point of view as a layman that the two buildings were both attractive and unique and should be preserved; he said it would be an irreparable loss to the neighborhood if the education building were destroyed. He noted that he had seen a model of the proposed replacement building and that it was not compatible with the surrounding area. He said if the replacement building were constructed that this would then lead to a threat to the sanctuary itself.

President Rosenblatt requested that the remaining speakers limit themselves to giving only additional or new information and asked that they otherwise simply indicate whether they agreed or disagreed with a previous speaker or position.

Ray Felsted, a resident in the neighborhood, said that in his opinion the rezoning of the buildings in order to preserve them in their present form would be desirable.

Colin Oakey, the manager of residential buildings near the church, said that he was in support of the preservation of the educational building. He said that in his opinion the church was a classic turn-of-the-century masonry revival building which he felt added to the character of the neighborhood. He indicated that the style of architecture was similar to other buildings in the area including the ones he managed.

John Schmiedel, speaking on behalf of the one hundred and forty people who signed the petition submitted to the Landmarks Board, summarized the position of this group and said that in their opinion the sanctuary and the education building could only be considered as a single unit.

Tip Hillam, chair of the Western Addition Neighborhood Association, spoke in favor of the design of the proposed educational building. He indicated that he had spoken with many members of his group and they supported the church in its efforts to rebuild the building.

Martha Hundley, a parishioner at the Calvary Presbyterian Church since 1931, spoke against the application and said that in her opinion the building should not be torn down. She said that each board in the old building means a lot to her.

President Rosenblatt called on the representative of the church to address the Commission. David Robinson, of the firm of Robinson and Mills, architects, spoke for the church. He said that he wished to make several points; first, that the church never sought landmark status but that it welcomes such status for the sanctuary building. He said that he believed the sanctuary building had a special and separate identity and that it was appropriate to designate the church building itself as an historical landmark. However, in his opinion and in the church's opinion the education building had to be treated differently. Mr. Robinson summarized the Purposes section of Article 10 of the City Planning Code and made the point that in his opinion the education building did not appear to be of a special character or special historical interest or value; that it was not feasible to preserve the structure; and that the overall purpose of the landmarks ordinance, to contribute to the health, safety, and general welfare of the public through landmark designation would not be served by designation of the education building.

Mr. Robinson said that he respected the attitude of the Landmarks Board but from his point of view it was a subjective judgement and other areas of expertise could lead one to a judgement that landmark designation was inappropriate in this case. As to the special character or special historical architectural or aesthetic interest or value of the education building he said that the results of his research and the research of the landmarks staff indicated that the importance of the structure was very modest. He noted that other preservation groups had not taken an interest in saving the education building; that the Heritage Foundation had not brought the matter up before the board of the church; and that Mr. Delahanty was representing himself in this matter and not the Heritage. He noted further that the architectural survey prepared by the Department of City Planning staff which evaluated most of the architecturally interesting buildings of the city, assigned a number two value to the sanctuary building and a number three value to the education building. Mr. Robinson said that there were at least a thousand number three quality buildings in the City. He summarized this portion of his presentation by saying that his research did not corroborate the judgement of the Landmarks Board.

Addressing the issue of feasibility of preservation of the building, Mr. Robinson stated that he had discussed five structural alternatives before the Landmarks Board. He said the various alternatives involved the possibility of dismantling the facade and rebuilding it in front of an entirely new building, replicating the existing facade on a new building with new materials, and preservation of the entire building with a renovation of the interior. He said that the engineering firm of Nicholas Forell and Plant Brothers, contractors, had

estimated that any of the five possible structural alternatives which would preserve the facade would cost four hundred and thirty thousand dollars more than new construction, which would be more than twenty percent over the proposed cost of the proposal presently before the Commission. He said that in their minds this meant that preservation was unfeasible. He said that the funding capacity would be stretched beyond one million dollars and that this would be prohibitive. He characterized this as too massive an additional cost for a similar final result in terms of building use.

Addressing the issue of the need to promote the general welfare, he said that the ministry provided by the Calvary Presbyterian Church promoted the general welfare in a way that would be supported by the demolition of the existing building and the replacement of it with a new facility. This would enable the church to better serve the community and thus promote the general welfare. He noted that the third floor cannot be used and it appeared that in no way could it be adapted to use unless there were extensive work done on the building. He said that the church wished to have a contemporary ministry and that the old structure does not assist in this. He noted that the present facade symbolically failed the ministry in that it was austere and lacked a sense of openness. He said that if the Commission were to designate, the effect would be to hold up the demolition and construction of a new building for a year and that more than four hundred thousand dollars necessary to retain the facade would lead the church to wait out the period required for holding up demolition and then to proceed with the plan. He noted that construction costs would be increased by such a delay, and that designation would not preserve in perpetuity the facade but would only result in preservation for one year.

Mr. Robinson noted that the congregation had received one hundred and fifty letters from members, of which five or ten had opposed the demolition of the facade. He noted that there were present in the room many members of the congregation in support of the church's project and several dozen people in the audience raised their hands to indicate such support. In conclusion, he noted that the church and his office had thought they had answered the concerns of the immediate neighbors in their final plans.

President Rosenblatt said that speakers opposed to designation of the education building as a landmark would now be heard by the Commission.

John Lowry, a member of the building committee of the church, said that with the change of a single vote the Landmarks Board would not have expressed an intention for designation of the building. He

said that the church had contacted the Pacific Heights Association and other groups about their proposal. He said that they had spoken to everyone concerned and the Pacific Heights Association had met with his committee and approved of the new building as an improvement over the old building. He noted that as to historical qualifications for designation that the building was old but that the institution had moved several times after its founding before it had arrived at this site. He said that as to the feasibility of preserving the old facade that the committee had considered renovating the old building and that they had been told since 1973 that it was more economic to replace the building than to restore it. He said that they had curtailed the use of the building because of its condition and had prayed that money would become available for its replacement. He said that a year ago the church had received a gift which made replacement possible and that at that time a different architect had analyzed the problem of preservation and had confirmed the prior recommendation that it was not economically feasible to preserve the building. He noted that at the meeting of the Landmarks Board that it was not realistic to think that the facade could be retained and the building renovated for a quarter of a million dollars. He said that the building committee figures for the various alternatives were objective and they had not been challenged. He said each time they go through the calculations that they arrive at a higher figure and he finally noted that a new building would lead to many worthwhile activities not presently possible.

Gary Goldschneider, a newcomer to San Francisco, said that the church had made a piano available to the neighborhood. He said on behalf of those who benefited by use of the music facilities in the church that he supported the church's program and opposed landmark designation. He said that in his opinion if preserving the facade were not vital that it should not be required to be preserved. He said that a new building would benefit the neighborhood by allowing for more programs including the use of facilities for musical people.

Edmund MacDonald, a member of the child care committee of the church and a resident on Washington Street, said that he had been a member of the church more than fifty years and had attended the Sunday school there nine years before that time. He said the tenuous access of stairs and doorways to the educational building was terrible and dangerous and indicated that the church operated a daily nursery school on a nonsectarian basis that was licensed by both the State and the City. He said the program had been in existence for twenty years and had operated in the basement of the building. He said from the point of view of the nursery school the safety and convenience of the present education building were not adequate on the upper floors. He said that if a new education building could not be built that the church would lose its viability and probably would not be

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able to survive as an institution. He said as far as he was concerned he would be unwilling to contribute financially in support of the present facade.

Dr. Harry Chuck, a member of the Chinatown Coalition for Better Housing, said that although Chinatown was some distance from the church that his group was interested in the project because of its social value for the neighborhood and the City. He noted that the community could not provide many of the services which the church provided including those for children and for senior citizens. He said that this church was one of the few institutions that was open to the entire neighborhood and that with the coming supervisorial elections that it was possible for the City to be broken into enclaves and ghettos in a way that would be detrimental to the community. He said that he was usually in favor of low cost housing but that in this case he was in support of a better use of the space on the site. Dr. Chuck said that in his opinion, landmark preservation should not be used as a wedge between neighborhood people and that he hoped the landmark process would not stop what he considered to be a good project.

Paul Belcher, one of the oldest members of the church, said that he had drilled in the basement of the building as a boy and that the church must be kept open for use by young people. He noted that the new building would increase the area where young people could find recreation together with a better knowledge of what religion is all about.

Mrs. Mai Hoak, a student at San Francisco State, said that the church allowed her to practice on their organ and that she was grateful for this. Ms. Hoak said that in her view people were more important than a landmark building.

Mrs. Arabella Rear, whose mother attends the church, said that it is necessary for two deacons to assist her mother down the stairs because of the difficulty of access. She said that ramps are desperately needed and that people like her mother were denied the senior citizen facilities because of the lack of proper access ways. She said that she was in favor of the plan which would allow people to get into the church and was opposed to merely saving the facade of the existing building. Mr. Lowry indicated that both ramps and elevator would be provided in the new structure.

Mrs. Fitch, a teacher of Hatha Yoga at the church for three years, said that the presence of the Yoga program indicated the cultural activities of the church and their effort to include a wide community in their programs.

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At this point in the meeting, Commissioner Dearman left the room.

Dr. Don Brown, educational consultant of the United Presbyterian Church of America, said that he had reviewed the modification proposal and he felt the church was attempting to be faithful in reaching out to the wider community.

Mrs. Edna Markwart, a long-time member of the church, said that a knowledge of history was a great love of hers and that the maintenance of the sanctuary would be a good thing for a great number of people. She said she supported designation of the sanctuary building because it would be good for the neighborhood and good for San Francisco at large.

Mr. Thomas Bailey said that the founders of the City had been people of vision and that in the 1930's, they had had a vision and a great bridge resulted. Here a need was apparent for a new building for two reasons. First, that the children needed a new educational building, and building of a new building was the right way to go. Second, he said that the senior citizens had a need for a new building with better access for their various programs. He said that the church wished to raise a new building to the glory of God alone.

Mrs. Mary Harper, a homeowner and a member of the church, said that she was active in the church school and concerned for the best Christian education which the church could provide. She said that problems have been experienced by the children in the old building. Commissioner Bierman asked about the school programs. Mr. Lowry responded that there is a daily nursery school and a Sunday school. Commissioner Bierman asked if there was a daily elementary school conducted in the building and Mr. Lowry responded in the negative.

Dr. John Bodo, a Presbyterian minister and teacher for thirty-five years and former pastor of the Old First Church on Van Ness Avenue, said that the education wing of the church was a white elephant. He noted that the coldly ornate facade says to people "keep out". In addition he said that behind the facade the building was a patchwork. For him designation would throttle the ministry of the church and he asked that the Commission not saddle the church with a useless relic but instead allow it to expand its service to the community.

Mrs. Dorothy Head, mother of a child in the church school, said that what was before the Commission were two buildings; one for worship, and one for education. She said that there was a great need to have a new place for learning and fun for the children.

Mr. Lowry indicated that there were more speakers in support of the church application and against landmark designation of the educational building. Commissioner Bierman noted that it appeared that everyone began saying they wouldn't come to the old building after the architects had reported on the high cost of saving the existing educational building. She said that she felt that the saving of old buildings was very important. Mr. Lowry said that they had wanted to preserve the old building but had been told that it would cost forty thousand dollars just for a new fire alarm system in the old building. He said they had not polled the Board of Directors and congregation on the issue of saving the facade. He said that the inside of the old building was not attractive and that if it were turned on its side it would be as functionally useful as it is in its present position. He emphasized that safety was a continuing problem and that there were difficulties with the fire escapes. He briefly discussed some of the problems that would arise in adapting the present facade to a new building built behind it.

Kosrof Chantikian, a member of the staff of the Department of City Planning, asked for permission to address the Commission and was invited to speak by the Director of Planning. Mr. Chantikian said that his formal training had been in engineering and philosophy and that he was presently with the staff of the Landmarks Preservation Advisory Board in the Department. He said he hoped his statement would clarify the issue before the Commission. In his view, he said, the question before the Commission was, which was overriding: the right of the church to build a new education building or the preservation of a landmark building. He noted that Article 10 of the City Planning Code was not static but that limitations on it arose from the dynamics of situations and that the decision of the Commission was a moral decision involving value judgements. He said in the final analysis the Commission would have to make a decision of whether or not to attempt to preserve the present education building or to allow the church's project without further bureaucratic delay.

Commissioner Nakashima asked for a clarification of the decision made at a previous meeting by the Commission in approving a new education building on the site. The Director of Planning read condition number 2 of Commission Resolution No. 7805 passed on September 22, 1977, which authorized with conditions the replacement of the existing building with a new structure.

Mrs. G. Bland Platt, the President of the Landmarks Preservation Advisory Board, said that the Landmarks Board had taken apart the bibliography of Robinson and Mills and that referring to the Department's architectural survey was not appropriate in this case in that whether a building was listed in a particular book or survey was not

significant. She said that the church is in Here Today and that of seven consultants, five said the building was significant and historical, one was undecided and one did not like the existing building. She said that many buildings were not included in the department architectural survey and that a number three was a higher rating. Commissioner Bierman asked what the highest rating was and Mrs. Platt answered number 5. Mrs. Platt continued that financial feasibility was not under discussion but only landmark designation. President Rosenblatt said there never seems to be an appropriate dividing line between economic necessity and the necessity to preserve old buildings. He said that it would be a painful decision for each of the Commission members who would have to weigh the architectural merit against the social considerations involved. As no one appeared to want to speak from the audience the public hearing was closed.

Mr. Steele presented the departmental recommendation in the form of a draft resolution recommending designation of the sanctuary building at 2501 Fillmore Street as a designated landmark and recommending disapproval of the application for landmark designation of the education building at 2515 Fillmore Street.

Commissioner Starbuck moved that the Director's recommendation not be followed in the case of the education building and substituted his own motion for approval of designation of the education building at 2515 Fillmore Street. Commissioner Bierman seconded the motion. In support of his motion, Commissioner Starbuck said that he had sat in the Landmarks meeting concerning this issue and that he was for preservation of the building. He said that in his experience it never appears feasible financially to preserve an old building but that in this case he had sat back and looked at the architectural history involved and had been swayed by the arguments of an architectural historian. He said it was important to keep in mind that the Landmark designation was a three step process involving the Landmarks Preservation Advisory Board, the City Planning Commission and the Board of Supervisors. He said that it was the legislative body, the Board of Supervisors, which was the appropriate body to consider the social and financial factors involved, but that it was up to the City Planning Commission to follow the recommendation of the Landmarks Preservation Advisory Board and in this case approve designation.

Commissioner Bierman said she could not believe that this building was not a landmark. She said in her opinion the building was beautiful and a very special gift to the City. She said a factor in her decision was the fact that the schools conducted in the church

were not daily elementary schools but had very limited schedules. She said that in her opinion both buildings, the sanctuary and the education building, were historical. She said that she understood that those in favor of the new building cared very deeply.

Commissioner Dearman said that she had a very difficult time making a decision in this case. She said she understood that the interior of the building was in bad condition but that the outside was worth preserving. She said in her opinion Heaven would direct the Commission to allow the building to be torn down if it meant more to people to have a new building. Commissioner Dearman asked Mrs. Platt whether the church could tear down the structure after a period of one year if it were designated a landmark. Mrs. Platt responded that the Board could decide in less time than a year to allow the present building to be torn down. Commissioner Bierman said that the owner of the building opposed landmark designation in the case of the Castro Theater and that the building was preserved and the San Francisco Film Festival was held there recently. She said this indicated that sometimes landmark designation, though opposed by an owner, works to the advantage of the owner of a property designated.

Commissioner Wentz said that he had a suspicion that if the education building were designated a landmark a way would be found to create a new building behind it and preserve the facade. He said that when people are forced to deal with a difficult situation that they make things happen that don't seem possible at first. He said that he would vote for the substitute motion for designation of the education building.

President Rosenblatt said that he was opposed to the substitute motion and that the evidence presented on a relative scale seemed to indicate to him that landmark designation was not appropriate for the education building. He said that in his view it was the purpose of the Landmarks Preservation Advisory Board to look at the architecture and historical significance of the building but that it is the responsibility of the Commission to look at and balance the physical characteristics and the neighborhood reaction and to weigh the economic and social needs of the community. He said that he did not question the credibility of the feasibility studies and that the church's report looked as thorough as any that the Commission had ever received. In addition he said it probably was not feasible for the church to be able to raise an additional three hundred thousand dollars for the preservation effort. Finally, he said that it appeared that a new building would have many positive benefits for the community.

Commissioner Wortman, sitting as an alternate for Commissioner Boas, said that in listening to the testimony he was convinced that the firms had checked the feasibility of rehabilitation of the building with great thoroughness. He said that he had visited the build-

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ing and saw a clear difference between the two structures. He said that he would be voting against the substitute motion because in his view the building was not safe enough for small children's use, particularly on the third floor. He said that he was familiar with the various City codes which would be brought into play if the building were rehabilitated and that they were very strict for places of public assembly and for schools. He indicated that he thought the church board had prepared its **analysis** well.

Commissioner Nakashima said that he felt the facade, however fine, would not bring people to the church but that it was people who brought life to the church. He said he did not like the original design proposed for the new education building but that he had been in the building and could see how the cost of renovation would outweigh the desirability of preserving the facade. He said that there was an overriding need here for a new building and he would hate to see the project delayed for one year through the designation process. He said he would vote against the substitute motion.

The Commission voted unanimously to adopt Resolution No. 7828 designating as a landmark the sanctuary building of the Calvary Presbyterian Church at 2501 Fillmore Street. After further discussion the Commission voted 4 to 3 to adopt Resolution No. 7829 designating as a landmark the education building of the Calvary Presbyterian Church at 2515 Fillmore Street. Voting for designation were Commissioners Bierman, Dearman, Starbuck and Wentz; voting against designation were Commissioners Nakashima, Rosenblatt and Wortman.

Mr. Steele indicated that the next item on the Commission calendar would be inappropriate to consider at the present time and would properly be continued until the final action in the previous two matters by the Board of Supervisors. He said that in the event the Board does not act to designate the education building as a landmark that a certificate of appropriateness would be moot. Mr. Robinson, the architect for the church, said that he would recommend that the matter be continued. Mrs. Platt said that under the provisions of the landmarks ordinance that it was appropriate for the Commission to take this matter under advisement.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, that the matter of the certificate of appropriateness for demolition of the education building of the Calvary Church at 2515 Fillmore Street be continued indefinitely. This motion was carried unanimously.

CA77.8 - CERTIFICATE OF APPROPRIATENESS FOR 30 HOTALING PLACE, EAST SIDE, TO ALLOW CONSTRUCTION OF A PENTHOUSE ON AN EXISTING BUILDING LOCATED IN THE JACKSON SQUARE HISTORIC DISTRICT.

Mr. Steele presented this matter to the Commission and explained that the applicant proposed to add a four thousand square foot penthouse to the existing building on the site. He said that the penthouse would be set back nine feet and would not be seen from Hotaling Place. He indicated that it was the recommendation of the Landmarks Preservation Advisory Board and of the Department of City Planning that the matter be approved.

Commissioner Wentz asked what would the use be of the proposed penthouse and Mr. Steele explained that it would be used for offices.

President Rosenblatt asked if there were anyone present in the audience who wished to object to the project. No one responded.

Commissioner Wentz moved the Department's recommended draft resolution for approval, Commissioner Dearman seconded and Resolution No. 7830 was adopted to allow construction of the penthouse.

DR77.47 - DISCRETIONARY REVIEW OF A PROPOSED OFFICE BUILDING AT 333 MARKET STREET, BUILDING PERMIT APPLICATION NO. 7706790, A THIRTY-FOUR STORY, FOUR HUNDRED AND SEVENTY-FOUR FOOT HIGH OFFICE BUILDING WITH A LANDSCAPED PLAZA ON MARKET STREET BETWEEN FREMONT AND BEALE STREETS, WITH APPROXIMATELY SIX HUNDRED THOUSAND SQUARE FEET OF FLOOR AREA. (EE74.244 AND EE77.98)

Charles Gill, head of the major project review section of the Department of City Planning, presented the case to the Commission which had before it a case report outlining the basic facts and zoning regulations affecting this case. Mr. Gill indicated that the Milton Meyer Company were the owners of the property and that it was an approximately one acre site which was presently vacant. The Director of Planning presented the issues involved in the case and gave the staff's recommendation in the form of a draft resolution which had been prepared by the Department. He said it was the recommendation to approve the project emphasizing the energy saving measures that would have to be included and the need for good access from the project to public transportation.

Commissioner Starbuck discussed with Mr. Gill the increase in the spandrels from 33 percent to 65 percent. Mr. Gill indicated that there was an improvement of the overall appearance of the building

with the increased use of spandrels. He noted that in an amendment to the EIR, the Environmental consultant had recommended 33 percent total glass surface instead of 66 percent glass surface as on the Bechtel II building. The Director said that spandrel glass was energy responsive. And he noted that nothing in the resolution presented to the Commission contradicts the previous Commission action in this matter. Commissioner Starbuck requested that Condition No. 2 in the draft resolution presented by the Director be changed and that "65 percent" be dropped and in its place the phrase "as described in the EIR" be added.

The Director next addressed the issues concerned with Condition No. 4 in the draft resolution. He noted that a canopy along the sidewalk had been discussed as well as an underground connection between the building and the BART entry way. He said after discussions about the canopy it was discovered that the Planning Code does not allow a canopy on Market Street and that it was decided to research impediments to an underground connection. He said there was not as much data prepared so far as he would like for an appropriate decision. The decision also involved a proposed transit terminal on Mission Street and the operation of the Muni Metro under Market Street. The Director said some connection seems possible and under the proposed language of the resolution if the connection proved infeasible then it would not be required. Commissioner Starbuck asked what the estimated working population of the Bechtel Block would be and the Director answered approximately ten thousand people during the working day.

Commissioner Bierman asked whether the proposed resolution was strong enough for energy conservation purposes. She said in her view it appeared to be too loose. The Director responded that appropriate language might be inserted into the resolution which would relate the project to the energy conservation program which the City was involved in. She noted that Commissioner Wentz was chairman of an energy conservation committee that was presently active in City government. The Director further noted that it would be good to include a specific reference to the transit first policy, to transportation and the City's efforts with Muni Metro and the proposed new Trans Bay Terminal.

Commissioner Elliott asked whether additional approvals were involved because of the underground connection with BART. Mr. Passmore, the Assistant Zoning Administrator, answered that the Board of Supervisors had jurisdiction for the underground area under City property. He said that in the draft resolution the Department was requesting an underground tunnel as part of the present building plans and that if approval from appropriate agencies was not forthcoming for the tunnel that it would no longer be required.

Commissioner Wentz noted that the Public Utilities Commission of the City would have to grant its approval for the tunnel.

President Rosenblatt indicated that the applicant could offer a rebuttal to the conditions proposed by the staff.

Stan Berger representing the Milton Meyer Company, spoke for the applicant and indicated that their greatest concern was for Condition No. 4, which required a tunnel to connect the proposed building to the BART station underground. He said that the staff of the Department had been helpful and that the applicant felt that a covered walkway between the buildings which had been originally asked for, was a welcome idea. He said that the applicant was opposed to an underground connection with BART for several reasons. First, he said, there would be too much time lost in trying to get the necessary approvals and such delays in the project were costly. Secondly, he said that the cost of the connection itself would be at least three hundred thousand dollars and maybe as much as a million dollars and this was the major hang-up for the applicant. Thirdly, he said, it appeared to the applicant that the underground connection was not necessary since at the surface level the property was only fifteen feet from the escalator to the BART platform. He said the project sponsor had paid a great deal of attention to proper landscaping requested by the Department and that from the earliest staff contact, the applicant had agreed to a covered walkway to protect people who were coming from Mission Street to the BART station by way of the escalator. He said it was recently understood that a canopy for this walkway was not possible because of the special regulations for Market Street. He said that he had offered to build in knockout panels in case a tunnel were proved feasible in the future.

At this point in the meeting, Commissioner Nakashima left the room.

Commissioner Wentz expressed concern about the fact that underground there were two tunnels, one for BART and one for the Muni Metro System. He said that a connection to the mezzanine level might not be acceptable to the PUC because it might interfere with fare collection. The Director said that the tunnel connection would be on the free side of the mezzanine.

Mr. Berger set up charts to show the project and pointed out the location of the proposed covered walkway and the BART entry escalator. He said that the tower building was sited in order to take advantage of the BART escalator. Commissioner Starbuck said that no floor area was allowed for the tunnel as a bonus. He noted that in the original proposal for the site that the Bechtel Corporation had included floor area based on a tunnel bonus but now the building is on a smaller scale and no tunnel bonus is included. Mr. Berger agreed.

Commissioner Bierman asked why the applicant could not accept Condition No. 4, which required a tunnel, unless it proved to be not feasible. Mr. Berger indicated that the condition still troubled him since the company wishes to get started with the project as quickly as possible and it was impractical to tie the project to the BART connection.

Commissioner Starbuck said that it appeared that from a business standpoint an underground tunnel would never prove feasible and that from his point of view it would be desirable to include the tunnel when the cost would be minimum during the construction phase of the building, including knockout panels. Mr. Berger answered that the company would not be opposed if the cost of the tunnel could be pinned down and that one estimate indicated the cost would be five hundred thousand dollars as a minimum. Commissioner Starbuck responded that the developers of the building at 525 Market Street had estimated that a twenty foot connection would cost three hundred thousand dollars. Mr. Berger said that it wasn't clear to him where the proper connection should be and that such a connecting tunnel could foul-up the design of the building. He said that there was a problem with liability where a tunnel was underground between buildings and that there could be a very bad safety problem. He said that if the applicant were allowed to go ahead that the new building would do a great deal for the area. He said that he understood that the planning staff wanted protection for pedestrians during inclement weather.

The Director said that this appeared to be a rare opportunity because there were several new buildings proposed for this area at one time. He noted that the various modes of commuter traffic all come together at this portion of Market Street, including the proposed Muni Metro which should be in operation in two years. He said that this was a transfer point and that it was desirable to have good pedestrian communication between Mission Street and Market Street. He noted that there were several factors involved including new buildings that would be developed south of Mission Street. He said that it was not simply a question of weather protection but that it was a question of the volume of pedestrian traffic that had to be accommodated.

Commissioner Wentz said that the PUC had a great interest in the matter and that he would like to have the opportunity for the PUC planners to look at the proposal. Because of this he moved that the matter be continued one week. Commissioner Elliott seconded the motion.

Commissioner Bierman said she was always troubled when voting for a high-rise building and that each Environmental Impact Report indicated that at the peak hours traffic can't move at all. She said

she understood the cost problem but that if the tunnel were not within reason that it would not be required. Commissioner Dearman said she was impressed by Commissioner Wentz saying that he had not yet reviewed the plans with the PUC planners. She said that it was very difficult for women pedestrians on the downtown streets during rainy weather and that an underground tunnel would probably be very desirable there.

Mr. Berger said that in his view the tunnel would lead people out of the City and that surface pedestrian access was better for the City. Commissioner Bierman asked whether he would be able to rent space underground for shops and Mr. Berger answered that the opportunity to develop the underground area for retail space was unlikely because such retailers would be solely dependent on users of the tunnel and that it would be too precarious for economically viable businesses. He said that in the temperate climate of San Francisco that people liked to walk on the surface and do their shopping.

The question was called and the Commission voted unanimously to adopt the motion to continue the matter one week to 2:00 p.m., November 3, 1977.

At this point in the meeting, Commissioner Elliott left the room.

PRESENTATION OF THIRD STREET COMMERCIAL IMPROVEMENT PROGRAM-A PROPOSAL. PLAN PREPARED BY THE DEPARTMENT OF CITY PLANNING AND BAYVIEW HUNTERS POINT NON-PROFIT COMMUNITY DEVELOPMENT CORPORATION.

Rai Y. Okamoto, Director of Planning, indicated that the staff requested that the presentation of the Third Street Improvement Plan be postponed to the meeting of November 17, 1977. He noted that the meeting of November 17 would be a planning matters calendar of the Commission.

Commissioner Dearman moved and Commissioner Wentz seconded the motion to continue the matter to November 17, 1977 and the motion carried unanimously.

CONSIDERATION OF DRAFT RESOLUTION ENDORSING THE CITY-WIDE ARCHITECTURAL SURVEY PREPARED BY THE DEPARTMENT OF CITY PLANNING.

The Director of Planning presented the Commission with the draft resolution for endorsing the architectural survey and explained its nature. The Commission had previously been presented with a slide show and memorandum from the Urban Design staff of the Department of City Planning on this matter.

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Commissioner Dearman moved, Commissioner Wentz seconded and it was carried unanimously that the draft resolution endorsing the city-wide architectural survey of the Department of City Planning be adopted as City Planning Commission Resolution No. 7831.

EE77.250 - CONSIDERATION OF CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 1978 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOUSING ASSISTANCE PLAN.

Alec Bash, Environmental Review Coordinator, presented the matter to the Commission.

President Rosenblatt asked if there were anyone present in the audience who wished to speak on the matter and no one responded.

Commissioner Wentz asked about the changes in the draft document and Mr. Bash responded that the final EIR could not be certified as complete until the Board of Supervisors' Finance Committee had acted so that the final version of the EIR reflected the changes to be made in the block grant program by the Supervisors.

Commissioner Dearman moved and Commissioner Wentz seconded a motion to close the public hearing on the matter and to adopt Resolution No. 7832 certifying as complete the Environmental Impact Report in this matter. The motion was adopted unanimously.

CONSIDERATION OF DRAFT RESOLUTION REQUESTING THE DEPARTMENT OF CITY PLANNING TO NOTIFY HOSPITALS AND SANITARIALS WHICH MAY APPLY FOR CONDITIONAL USE AUTHORIZATION THAT THE CITY PLANNING COMMISSION URGES THAT SUCH INSTITUTIONS, PRIOR TO SUBMITTING APPLICATIONS, CONTACT THE WEST BAY HOSPITAL CONFERENCE AND OTHER HOSPITALS IN SAN FRANCISCO TO DISCUSS SHARING OF FACILITIES AND RELATED MATTERS SO AS TO REDUCE DUPLICATION OF SIMILAR FACILITIES AND SERVICES; AND REQUESTING THE DEPARTMENT OF CITY PLANNING TO GIVE APPROPRIATE NOTICE OF SUCH APPLICATIONS TO THE WEST BAY HOSPITAL CONFERENCE AND SAN FRANCISCO HOSPITALS AND SANITARIALS WITHIN TEN DAYS OF THE FILING OF SUCH CONDITIONAL USE APPLICATIONS.

President Rosenblatt asked if there were anyone in the audience who wished to speak on this matter. No one responded.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution as submitted be adopted as City Planning Commission

Resolution No. 7833.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, November 3, 1977.

The City Planning Commission met pursuant to notice on Thursday, November 3, 1977 at 1:45 p.m. in Room 282, City Hall.

PRESENT: Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, President of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert W. Passmore, Planner V (Zoning); Charles Gill, City Planning Coordinator; Lucian Blazej, City Planning Coordinator; Kandra Malandra, Planner II; Douglas Holmen, Planner II; and Robert H. Feldman, Planner II and Acting Secretary.

Dan Borsuk represented the San Francisco Progress, Marshall Kilduff represented the San Francisco Chronicle and Gerald Adams represented the San Francisco Examiner.

APPROVAL OF MINUTES

The minutes of the meeting of September 22, 1977, were approved with a correction on page 7 requested by Commissioner Dearman. She asked that the prepositional phrase "in the neighborhood" be changed to "gathered in front of the facility." With no additional corrections, the minutes were unanimously approved.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reviewed with the members of the Commission the tentative advanced calendar for Commission meetings scheduled during the remainder of November and December. He said that the Commission's secretary in the future would prepare such an advanced calendar for the first meeting of each month which would show the scheduling of cases and matters for the succeeding two months. He said the purpose of this was to enable the staff and the Commission to better plan its agendas for the convenience of all parties concerned.

The Director reported on recent meetings in the Bayview North RAP-Redevelopment study area. The Office of Community Development will hold an election to determine the degree of neighborhood support for the program during the next six weeks, he said.

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The Director reported on legislation introduced at the Board of Supervisors for a moratorium on certain permit approvals and for a study of a special use district in the Union Street commercial area between Van Ness and Fillmore Streets. Robert W. Passmore, Planner V (Zoning), noted that the moratorium would be particularly in regard to any building permits for restaurants, bars and such places of entertainment as cabarets, dance halls, or discotheques. This legislation will be considered first by the Planning, Housing and Development Committee of the Board of Supervisors and afterwards by the full board. The legislation was introduced by Supervisor Feinstein.

The Director presented copies of the Department of City Planning annual report 1976-1977 to the members of the Commission and indicated that the report will be distributed to several hundred community organizations and to interested individuals.

Commissioner Starbuck expressed concern about the proposed sixty eight - foot high tower with observation deck at the end of the pier in the Northpoint Marina Project, commonly referred to as the Simmons Project. He moved that the project sponsor and the waterfront planning staff of the Department be requested to meet to discuss the lowering of the height of the proposed tower to forty feet, the maximum height permitted in that zoning district. Mr. Passmore noted that the tower was requested by the Art Commission and the design review board of BCDC, and that it is designated a navigation aid and is therefore exempt as such from the height controls of the City Planning Code; as it stands now the Department has approved a site permit on condition that the applicant demonstrate that a navigation aid is in fact being provided and is needed. Commissioner Bierman asked how it was possible for the Art Commission to recommend something that was in violation of the height limit. Mr. Passmore responded that the Art Commission had jurisdiction over the project but not over the height controls and that if in fact the tower were a navigation aid it would be exempted from the height control. Commissioner Elliott asked what actions were possible at this time for the Commission to take. Mr. Passmore responded that the Commission could take the matter under its discretion. After further discussion Commissioner Starbuck asked that the staff continue to discuss the matter with the applicant and he withdrew his motion.

Commissioner Starbuck asked the staff to schedule a public hearing on November 10 on a draft resolution requesting the Airports Commission staff to submit environmental evaluations for major projects not yet built that are part of the expansion and modernization program of the airport. Commissioner Elliott asked whether the Commission had any jurisdiction in such a matter over the airport. The Director responded that the Department of City Planning did have jurisdiction and over environmental evaluations and generally over environmental review and he agreed to schedule the matter for the consideration of the Commission at 6:00 p.m. on November 10, 1977.

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DR77.47 DISCRETIONARY REVIEW OF A PROPOSED OFFICE BUILDING AT 333 MARKET STREET, BUILDING PERMIT APPLICATION NO. 7706790, A THIRTY FOUR-STORY 474-FOOT HIGH OFFICE BUILDING WITH A LANDSCAPED PLAZA ON MARKET STREET BETWEEN FREMONT AND BEALE STREETS, WITH APPROXIMATELY 600,000 SQUARE FEET ON FLOOR AREA (EE74.244 and EE77.98).

(CONTINUED FROM MEETING OF OCTOBER 27, 1977)

Mr. Passmore introduced this case which had been continued from the meeting of the previous week in order for planners with the PUC to review the plans at the request of Commissioner Wentz. Commissioner Wentz indicated that the planning section at PUC had had a chance to review them and Mr. Passmore then read the following new draft condition No. 4 in the Director's recommendation.

- "4. Subject to approval by the Board of Supervisors pursuant to the provisions of Section 23.2 of the Administrative Code, an easement area through a portion of the basement of the subject building sufficient to permit an appropriate below-grade passageway connection between the pedestrian arcade of the subject building and the BART/MUNI Metro Embarcadero Station mezzanine, shall be granted by the building owner to the City and County of San Francisco, and be recorded on the deed for the subject property within ninety (90) days of the effective date of this Resolution. Documents establishing said easement shall be reviewed by the City Attorney as to form and approved by the Department of City Planning, and shall include plans which illustrate the necessary structural features to allow passage through the project via the easement. The decisions as to if, when and how the easement area might be used for the construction of a passageway, shall be made by the Department of City Planning at some future date; said decisions shall be based on the desire for providing access to transit facilities as demonstrated by the Phase III work of the San Francisco Bay Area Transbay Terminal Authority and other transit studies. The method by which the cost of development and maintenance of the passageway connection would be shared by the building owner and the City, shall be determined by these two parties with the input of other public bodies as appropriate."

" The development of sidewalk canopies or some other covering for pedestrians on the Market Street sidewalk between the building's arcade and the existing BART/MUNI Metro entrance, shall be investigated by the developer, and shall be constructed by the developer if deemed desirable by the Department of City Planning."

Mr. Passmore explained that the new draft condition No. 4 contained two new concepts. First, that the building would have to be designed so as not to impede sidewalk access, and, second, that the cost of the underground connection would be shared by the applicant and the City. In the event it was found that the additional surface shelter was desirable, the developer would provide such additional shelter. Mr. Passmore noted that the draft resolution in its present form was very good from the point of view of general energy conservation. Commissioner Dearman asked whether the applicant would be required to have a covered walkway to protect people from the elements. Mr. Passmore responded that there were two things that would be provided for access to Muni Metro and BART and that would be an underground connection and two sidewalk arcades that would be covered to protect pedestrians.

Commissioner Starbuck made several observations. He said that there would be a problem for city funding of such a tunnel because the money would have to be appropriated in the capital improvements budget which already was being strained and the city was having problems in funding the Performing Arts Center garage and having trouble funding Laguna Honda Hospital. He said that in his opinion the tunnel would never be a high enough priority to materialize. He emphasized that the working population of this block would be approximately 10,000 people when it was finally built and that it was obvious that both underground and surface access needed to be provided for users of Muni Metro and BART. He said to be dependent upon future circumstances for the creation of such an important access way was not a good idea and that the recent problem with a building further along Market Street at 525 Market Street was an example of the difficulty of enforcing a provision, in that case as part of a variance decision of the zoning administrator. He said that now was the time to excavate below Market Street for this tunnel and it was a golden opportunity to do so.

The Director said that probably it would not be solely city revenues needed for the creation of the tunnel in the future but that it was possible that UMTA funds be used for the project. He noted that the new Trans-Bay Bus Terminal on Mission Street would substantially increase the demand for such access ways, and that he wanted to wait for refined estimates of the need for such access ways.

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Commissioner Starbuck emphasized that the construction has begun essentially already and a hole had been dug in the ground. He said if the Commission were to wait even a week that the concrete foundation would be poured and it would be too late. Mr. Passmore responded that no permits had yet been issued.

Sue Hestor, a representative of San Francisco Tomorrow, addressed the Commission on this issue. She said that the Market Street developers had gotten a great deal out of the public building of the BART system and that their property values had been substantially increased, as well as the rental value of their property. She said in her opinion it was appropriate for these developers to pay the city back especially since their buildings had increased the demands on services which had to be borne by the tax payers. She said that SFT thinks that where a site such as this one is up against the BART system that it makes good planning sense to require an underground tunnel connection at the time of construction. She felt without adequate access to BART that there would be an overflow problem and traffic will percolate into the residential neighborhoods. She said it was very important that people be encouraged to take BART and that the underground tunnel cost would be a small self-imposed tax for the developers to pay in this case. She emphasized that if the tunnel is built at a later time it will cost at least twenty times more than at present and that the Planning Commission owed it to the people to require and demand the tunnel now. She said we need people on the Muni system.

Commissioner Bierman said that the property line for this project was fifteen feet from a surface entry way to BART and she asked what was the actual footage that people would have to walk from the building to the entry way on the surface. Mr. Passmore responded that it would be approximately thirty feet from the building itself to the BART entry way. The Director added that the purpose of the tunnel and the covered arcade would be not just for weather protection but to provide adequate space for the people moving from Mission Street to Market Street in all weather. Mr. Passmore added that the gross floor area permitted was five hundred and ninety two thousand square feet and what was proposed was somewhat less than this. In addition he said the building was 126 feet lower than the height control would allow.

Commissioner Starbuck said it made good economic sense for the developer to invest the one percent of the project cost now for the underground tunnel. He said he thought it would be a big plus that there would be a direct access from the building to the BART-Muni Metro facility. And that the increased value and rentals because of this access would offset the construction cost which would be less than one half million dollars.

Stan Berger, representative of the Milton Meyer Company, the applicant, said that the activity now going on on the site was the driving of test piles and that no actual construction had been permitted so far. He added that the cost of an underground tunnel would be at least a half million dollars and maybe much more. He said during the week the contractor had done an analysis of the cost of such a passage way and the conservative estimate was that it would cost at least five hundred thousand dollars plus additional cost for surface street work. He said that the issue was whether the City and the developer would get value for the money spent for such a connection and he asked why spend between four hundred and nine hundred thousand dollars to do what might prove unnecessary. He said from their point of view it was prudent to wait at this time to see whether or not such a connection was feasible and necessary. He said the present draft resolution would add an easement to the deed with ninety days for the exact location to be designated and that the eventual cost and location would be worked out in the future in consultation with the staff of the Department. He said it was in the applicant interest to get the project started as soon as possible.

Commissioner Dearman discussed the cost in the matter, and Commissioner Starbuck indicated that in his opinion the tunnel would never be built if it were not required immediately. Mr. Berger responded that eventual costs for such a tunnel would be shared under the resolution by the owner of the property and the City. Commissioner Starbuck said that what the Commission was asking was a contribution to the downtown area to be made by the developer and that it was hard to pin down the exact cost at this time. Mr. Berger said that eventually the cost of such a connection would be passed on to the consumer and that the high rents in the building would have to bear the cost and he reiterated his point that the City didn't know yet whether or not such a tunnel was required. Commissioner Starbuck said the large working population on the block, which is between three major transit systems, made the tunnel desirable in any case and that a consultant's report was not needed for such a determination. Mr. Berger responded that the present escalators provide adequate access to BART presently. Commissioner Starbuck said it would be more desirable to have an elevator within the new building that would go all the way down the BART level and then connect by tunnel. Mr. Berger said that such an elevator may not be feasible and would be available only to occupants of the building which would have a working population of approximately three thousand. He said the present data would indicate that it would not make sense to include such an elevator to the BART level. Commissioner Dearman asked what would it take to prove that the tunnel was necessary. Mr. Berger answered that additional data would be needed which would include studies of the existing users, the proposed users, the cost of the tunnel construction, the cost of street work

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including the necessity of relocating utilities and the possibilities that such a tunnel would be more useful in a different area. He said the total package is very unclear as to cost at this time. Commissioner Dearman said why not assume that the building will be fully rented and that the tunnel will be needed. Mr. Berger said he could not conceive that there would be a necessity for such a connection. He said if the owner felt the building would be more saleable or the space more rentable that they would put in the tunnel; but they had talked to tenants and had been told that the connection is not wanted for security reasons. He said there was also the issue of liability for injuries incurred in such a tunnel and that these matters could not be dismissed.

The Director asked whether the cost estimates had ever been costed out against revenues which possible commercial activities on the arcade level could produce. He said that there had been as of yet no cost benefit analysis made of such a convenience in the building and that the dollar value of the convenience should go into such an analysis. He said his personal research into the history of the Grand Central Terminal Building in New York had indicated that someone had had vision when adequate accommodation had been made for pedestrian traffic. In addition he said many other factors could be addressed in such an analysis. Mr. Berger said the reason such commercial pedestrian arcades were successful in the East was because the climate was more severe and there was greater traffic in such areas because of the frequent inclement weather but that in the temperate climate of San Francisco too often the weather is fine and people would not use such arcade levels and would not support the commercial activities on them. He said that retailers shy away from such commercial locations underground and that the high rent for them is not justified by the amount of pedestrian traffic they generate. The Director said he felt that greater underground traffic would develop in the future and Mr. Berger answered that an analysis in the future might lead the developer to push for the connection but that at present their answer was negative.

Commissioner Bierman said she was worried about the sharing of cost of the tunnel and she asked whether a half and half sharing would be acceptable to the developer assuming the tunnel were required. Mr. Berger responded that they agreed to a half and half splitting of the cost between the City and themselves. Commissioner Starbuck said that the Department did feel the half and half sharing was feasible. Commissioner Wentz said that it appeared to him the draft resolution was a reasonable compromise. He said his staff thinks that it is possible in the future but not presently absolutely necessary.

With the change in condition No. 4 to include a fifty-fifty split of any cost incurred Commissioner Wentz moved approval of the draft resolution.

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Sue Hestor asked that the Commission require the underground tunnel now as no construction had begun yet. She said in her view to go back later would not be economical. She added that the EIR for the project indicated 2,000 transit trips a day which would make more than 500,000 trips a year and that the cost, 500,000 dollars, over a twenty-five year period would mean only 4 cents a day and that was a cheap price to pay. She said the City subsidizes the Municipal Railway which costs forty cents a ride, eighty cents a day for each commuter.

Mr. Passmore said that if the tunnel were required at the present time it could delay construction because of necessary approvals from the Board of Supervisors and the Board of BART. He noted that the other conditions in the draft resolution had been agreed upon by the developer. He said that in addition the original resolution had been changed so that the energy saving considerations were clearly spelled out. He noted that the second condition had changed to reflect the proper amount of window area and that condition No. 7 regarding the truck service entry had been removed because it was no longer needed. Sue Hestor urged that a condition banning banks and savings and loan institutions on the ground level be included. She said that there were eighteen banks within two blocks of this site according to the map in the EIR. She said what were needed were retail uses for jobs for San Francisco residents and that there were few places to eat or drink in this area. She said as a result office workers had to eat in company cafeterias in many of the new buildings and that it was a similar problem as in the neighborhoods. She suggested that the usual conditions imposed requiring retail uses were too weak.

Ms. Hestor continued that a condition was needed which would require that the occupancy permit for the building be held until the retail uses at the ground level in the building were opened. She said in this way the developer would not postpone the leasing to retailers. Ms. Hestor then asked about plaza access and said that the building at 525 Market Street had a plaza that was isolated and would not be used. Mr. Berger responded that on the fifth floor there was open roof space but that this was not a plaza. It was meant for being seen by those in the tower above. Commissioner Dearman asked whether the Commission had the power to limit the permit for this project. Mr. Passmore answered yes, but that once the Department had acted the permit application and the plans would be sent back for review by the Plan Checking staff of the Bureau of Building Inspection.

Commissioner Elliott seconded the motion originally made by Commissioner Wentz.

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Commissioner Starbuck said he would vote against the motion for two reasons. First, because a golden opportunity would be lost if the underground tunnel were not required to be built at this time. He said it would take a taxpayers' suit to impose the condition as it was presently worded and that it would not be built in all probability. Secondly, he said, he would not vote for a building which contained air-conditioning. He said there was no rationale at this time and that it was bizarre to use so much electric power for drawing cool air into the building. He said he understood there was some progress in energy saving and some steps had been taken, for instance, reduced lighting intensity in the building, but that the measures taken in this case were not revolutionary and not impressive.

The question was called and the Commission voted to adopt the draft resolution as modified as City Planning Commission Resolution No. 7834. Voting for the resolution were Commissioners Bierman, Elliott, Nakashima and Wentz. Voting against approval were Commissioners Dearman and Starbuck.

At this point in the meeting Commissioner Elliott left the room.

CU77.50 - 226 LOBOS STREET, NORTH SIDE, 255 FEET WEST OF CAPITOL AVENUE; REQUEST FOR AUTHORIZATION FOR A PRE-SCHOOL PROGRAM (CHILD CARE CENTER) FOR TWENTY CHILDREN IN AN EXISTING DWELLING UNDER THE ADMINISTRATION OF THE S.F. COMMUNITY COLLEGE DISTRICT (EE77.309).

Robert W. Passmore, Planner V(Zoning), presented the case to the Commission using zoning and land use maps. Mr. Passmore indicated that the proposed use was a state pre-school program in the nature of a child care center, for approximately twenty children, to be administered by the San Francisco Community College District under federal inter-agency day care regulations. The program is designed to increase educational opportunities of the children and to increase community involvement of the parents. The program would be staffed by a supervising teacher, a nurse, and a parent educator. The architectural character of the house would not be changed. For the most part the children would use Ocean View Playground for their outdoor play area one block to the east. He said that the applicant, Lenore Slattery, a supervising teacher of the state pre-school program, was the authorized agent of Nancy Tanner, the owner of the one-family house. He mentioned that a final negative declaration had been adopted and issued by the Department for this project on October 25, 1977 and that the environmental evaluation was attached to the case report presented to the members of the Commission. He noted that this area of the city is zoned for and developed with one-family houses

and that the Southern Freeway is five blocks south and Junipero Serra Boulevard is ten blocks to the west. In conclusion he noted that a day care center is a conditional use in all residential districts provided that at least one hundred square feet of outdoor play area is established and maintained for each child to be accommodated. He noted that the subject property met the code standard and had adequate outdoor play area for twenty children.

Lenore Slattery, the applicant, spoke in support of her application and presented an information sheet to the Commissioners indicating the proposed program of the child care center. She said that the parents were waiting for the operation to begin and that the program could lose its contract with the state if it were not to begin soon. She said the program was valuable because it aided the children as well as involving the children's parents in community affairs. Commissioner Wentz asked how the service would impact upon the neighborhood. Ms. Slattery answered that the small basic staff of two and the few children, only twenty, would not have any effect on the residential quality of the neighborhood. She noted that the two staff members would be able to park near the playground, away from the residential area, and that half of the parents would be able to walk to the center with their children each morning and afternoon. She said there would be no noise problem and that most of the outdoor play would happen in the playground a half block away. She said in their previous location in a former Salvation Army building between two residences there had been no problem. She said in addition to the staff that there were always at least two parents present and that the supervision was excellent. The additional support staff appears regularly on the scene also. She said this was not a commercial venture but was a non-profit state funded program and was free to the parents.

Commissioner Dearman asked if there were any members of the audience who wished to speak in opposition. No one responded. Commissioner Wentz asked if there was anyone in the audience in support of the project.

Mr. Joseph Shine, resident of 230 Broad Street, explained that he had experienced the program for two years and there had been no complaints that he was aware of. He said the program was well attended and hoped that the Commission would approve it.

Mr. Passmore gave the departmental recommendation in the form of a draft resolution that had been prepared in advance. He noted that the staff had received a petition signed by those in opposition to the use and he indicated that the draft resolution reflected this opposition and was recommending that the Department review the situation in one year and report back to the Commission if it feels there is a negative impact on the neighborhood from the child care center.

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After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Nakashima, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7835 and that the application be approved subject to the conditions which had been recommended by the staff.

The Commission recessed for two minutes and continued at 3:40 p.m.

ZM77.14 - CAROLINA STREET, NORTHEAST CORNER OF 18TH STREET, WITH FRONTAGES OF 341.310 FEET ALONG CAROLINA STREET AND 204.29 FEET ALONG 18TH STREET; REQUESTS CHANGE OF THE USE (ZONING) CLASSIFICATION OF THE PROPERTY DESCRIBED ABOVE FROM AN M-1 (LIGHT INDUSTRIAL) DISTRICT TO A C-M (HEAVY COMMERCIAL) DISTRICT.
(THE APPLICANT WOULD PROPOSE A MULTI-UNIT BUILDING AFTER RE-CLASSIFICATION TO C-M) (EE77.300).

Mr. Passmore presented this case to the Commission referring to zoning and land use maps. He noted that the proposal was to reclassify the property to a heavy commercial district for the purpose of filing building permit applications for two 3-story 22-unit residential/commercial buildings on the site. One, two, and three bedroom apartments would be built over commercial space to be used for warehousing, as well as parking sufficient for both residential and commercial uses, a total of 54 spaces in two garages. There would be 18,000 square feet of warehouse space with off-street enclosed loading areas. He noted that at present the site is used for open storage of lumber and that a large pine tree is at the corner of Carolina and 18th Street on the property. A rail line used for switching abuts the property and runs along the east line forming the hypotenuse of the triangular shaped property. He noted that the range of rentals proposed for the residential units would be from \$200.00 to \$325.00 a month depending on the size of the unit, and that the applicant was William Fredrick Heijn, AIA, authorized agent of the owner, Mario Brandello. A final negative declaration for this reclassification and proposed building was adopted and issued by The Department of City Planning on October 25, 1977, and the environmental evaluation was before the Commission in their case report. He added that the industrial district in which the property is located extends from Arkansas Street on the east to DeHaro Street on the west and that the block to the north of the site is zoned P and is an illuminated recreational field. To the south across 18th Street is Potrero Junior High School. And to the west of DeHaro and to the east of Arkansas are residential districts developed with flats. He explained that residential buildings were not presently allowed in the industrial district, but that zoning changes, initiated under the residential

zoning study, would allow residential occupancies by conditional use. He noted that the Zoning Administrator has determined in the past that the maximum density permitted in the C-M district is one dwelling unit for each 125 square feet of lot area. However, the Zoning Administrator has also taken the position that any project in a C-M district having a density greater than one dwelling unit for each 800 square feet of lot area, but having as its nearest residentially zoned district, a district allowing densities no higher than one unit for each 800 square feet of lot area, should be taken to the Planning Commission for discretionary review.

The density of dwelling proposed for the subject site would be one unit for each 792 square feet of lot area. The nearest residential district is currently zoned R-3 having a maximum density of one unit for 800 square feet and this district has been initiated for reclassification to RH-2 having a maximum density for apartment buildings of one unit for each 1500 square feet of lot area. He further noted that the residence element of the comprehensive plan encourages the conversion of under-utilized industrial land to residential use where the area is suitable for such use.

William F. Heijn, the architect and authorized agent of the owner, offered to answer any questions of the Commission members. Commissioner Wentz asked whether the neighborhood groups in the area concurred over the proposed density of 44 units. Mr. Heijn answered that he had never discussed other than the R-3 type density for this project. Mr. Passmore added that the Commission could not condition reclassification on the density. He noted that the C-M district if approved would allow one unit for each 125 square feet of lot area. The proposed buildings would have an R-3 type density and he added that the subject lot was not a typical building lot because of its size and shape. This would allow a density double that of the rest of Potrero Hill which would be zoned predominantly for two-family construction under the proposed zoning controls presently being considered.

At this point in the proceedings Commissioner Elliott returned to his chair.

Maria Vermiglia, a representative of the Potrero League of Active Neighbors, spoke for her group and said that in their opinion it was an innovative project because it combined residential with commercial use in a single building. She said that her group requested that the Commission approve a project with fewer units although not necessarily at a density as low as the RH-2 District. She said her group hoped for a compromise in this matter.

Commissioner Starbuck said that the commissioners had visited the site on a field trip and that the increased density could be beneficial for the neighborhood because it would increase residential type activity which would offset the industrial activity during most of each working day. He said this would probably increase the safety of the neighborhood without any great traffic impact. Ms. Vermiglia responded that she hoped the project would be monitored for the quality of design and hoped that the unusual site would be given special treatment.

Commissioner Dearman noted that the site was near the Victoria Mews Project to the southeast which was in an R-3 District and approved before the proposed residential zoning went into effect. She also noted that in her opinion design control was necessary in this case. Mr. Passmore responded that the Commission's discretionary powers of review could be used for this case when the applicant filed for a building permit. He said it would probably be appropriate for the Commission to have a policy to take under its discretionary review this type of mixed use project.

Paul Sherrill, a resident of Potrero Hill, speaking for himself, said he was in favor of expanding the residential uses in this area which was an industrial district at the foot of Potrero Hill. He said in his opinion the project was appropriate but he was concerned that the builder was being given a development bonus without assurances of excellence of design. He said he would oppose a stucco box on the site and that the plans he had seen did not appear to be excellent at this point. He said he hoped there could be another approach to the problem and he was not impressed with the plan for the Potrero Hill area.

Mr. Passmore said that this action for reclassification would result in C-M Zoning with standards allowing high density in forty foot high buildings as well as other commercial uses. He noted the Commission can review the project when the permit is applied for and could indicate to the developer its criteria for its eventual review of the project which would include design, density, and types of units. He noted that he was familiar with the kind of approach Mr. Sherrill was promoting and that a different approach would require code and charter amendments.

Commissioner Starbuck asked about the materials to be used on the exterior of the proposed buildings. Mr. Heijn responded that it would be covered in stucco but would not be a simple box. He said before a final design could be arrived at a few more studies were needed. Commissioner Dearman indicated that it was apparent the Commission wanted the Department to bring to the Commission for its discretionary review the final building plans when the permit applications were filed. Mr. Passmore said he understood that was the intention of the Commission and would follow up appropriately.

Mr. Passmore presented the Commission with a draft resolution which had been prepared for the staff and indicated that the staff recommendation was for approval of this rezoning. He said that the residence element of the Master Plan encourages the conversion of underused non-residential land to residential use and the construction of a variety of unit types suited to the needs of households of all sizes. He also noted that the zoning changes initiated by the City Planning Commission applicable to existing residential areas of Potrero Hill had the intent of protecting and enhancing the predominant existing development of family oriented dwellings and, finally, he said that carefully designed residential or mixed residential commercial uses on the subject site would provide an opportunity to add to the number and types of housing units available in the Potrero Hill area without adversely affecting the livability of the existing residential neighborhood. He also noted that a negative declaration had been issued for the subject reclassification and building project under environmental evaluation No. EE77.300.

Commissioner Wentz asked if the Commission intended that such matters be brought to it under its powers of discretionary review, whether that had to be done by formal resolution or could simply, as in this case, be done by a clear instruction to the staff. Mr. Passmore indicated that the latter was sufficient. After a brief discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, that the draft resolution be adopted as City Planning Commission Resolution No. 7836 and that the rezoning to C-M for the subject property be approved. Commissioner Wentz moved that the Commission instruct the Department staff to bring the plans back to the Commission under its powers of discretionary review at the appropriate time. Commissioner Bierman seconded this motion and it was adopted unanimously.

DR77.61 (CU) 1239 REVERE AVENUE, WEST SIDE, 225 FEET NORTH OF HAWES STREET; DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR THE ADDITION TO THE EXISTING CHURCH OF FOUR CLASSROOMS WITH 2,240 SQUARE FEET OF FLOOR AREA ON TWO LEVELS IN A PROPOSED RH-2 DISTRICT.

Mr. Passmore presented the case to the Commission using land use and zoning maps. He noted that the proposal was for a two-story addition to the front of the existing one-story church at 1239 Revere Avenue which was north of Hawes Street and that the property had a 75-foot frontage on Revere Avenue and was located in an R-2 and proposed RH-2 zoning district. He noted the present use of the site was for the one-story church which seated 180 persons and had two classrooms and front and side yards. The side yard has eleven parking spaces and there are two on-street parking spaces in front of the building. He noted the proposed addition would be occupied by a hall, office and classroom on the first

floor and four classrooms on the second floor. The addition would be twenty-one feet in height. Zoning controls for height and bulk, he noted, allowed a forty-foot building. Neither the six-foot side yard on the east line nor the thirty-foot wide parking area on the west side of the property would be affected by the project. The existing first floor of the church would be enlarged by 640 square feet and the new second floor would have 1,600 square feet of floor area. Seating for 180 in the sanctuary would remain unchanged. The applicant in this case was John Nakles, the authorized agent for Tony Goodspeed, secretary of the Church of Christ, the owner of the property. He further noted that the project is categorically exempt from environmental review and that this portion of Revere Avenue is zoned for two-family use and developed for the most part with two-story one-family houses. The nearest commercial development is on Third Street, four blocks to the west of the site.

Mr. Passmore said that under the present code standards a church with its usual accessory uses is a principal permitted use for all zoning districts with parking required at the ratio of one off-street parking space for each ten seats in the sanctuary or auditorium where there are at least one hundred seats, while under the proposed residential zoning maps initiated May 20, 1976, by the Commission a new church and major alterations to existing churches are conditional uses in residential districts with the same parking standards as at present. He noted that until enactment of new maps and standards the Commission is taking such matters under its discretionary review with notice to all interested parties as in conditional use cases.

Mr. Passmore noted that the issue in this case was whether the service area of the church should be allowed to expand and if so, how this might be accomplished. He said the additional classroom space could lead to a slightly increased traffic impact.

At this point in the proceedings Commissioner Starbuck left the room.

Commissioner Dearman asked how many parking spaces were required under the code. Mr. Passmore answered that eight spaces were required. Commissioner Wentz asked whether the expansion was for Sunday school activities and he asked where were the Sunday school classes held at the present time and how was the present office being used. Mr. John Nakles, the architect and applicant in this matter, responded to Commissioner Wentz's question and indicated that presently there were two classrooms off the sanctuary that were inadequate for the needs of the Sunday school.

Commissioner Bierman asked about the height of the buildings on either side of the church and Commissioner Wentz asked about

concerns of people who were protesting the application. Mr. Passmore indicated that Douglas Holmen of the Department staff would respond to the question regarding opposition by the neighbors.

Douglas Holmen, Planner II and area liaison, spoke on behalf of the neighborhood protesters. Mr. Holmen said that Harold Madison, a leading resident, was not able to attend the meeting and had asked him to speak. He said that the objections of the neighbors who had signed a petition in opposition to the proposed addition where that the proposed addition would result in additional vehicles and children in the area causing noise and traffic problems. He said in their opinion if the church were closer to 3rd Street the addition would be acceptable. Commissioner Bierman asked if the addition would result in increased activities and Commissioner Wentz responded that it appeared that there would be some increase in activity as a result of the addition of the four classrooms.

J.C. Rogers, Minister of the subject congregation, then addressed the Commission and said the proposed addition would not increase attendance. He said presently classes met in the office and in various corners of the sanctuary and the proposed classroom would allow the same students to have proper classroom space but would not increase the attendance at the school. Commissioner Dearman said that Reverend Rogers should go to the neighborhood group meeting and explain the facts in the case. She asked whether the Reverend Rogers agreed to meet with the neighborhood group and he responded in the affirmative.

Mr. Passmore presented the Commission with a draft resolution recommending approval of the project. He noted that the proposed addition would bring the church more into harmony with the dwellings on the adjacent properties by establishing a new front setback and roof line of similar dimensions as the dwellings. And further he noted that the addition would provide classroom space needed by the congregation without having any detrimental impact on the surrounding neighborhood. He explained that a condition for such approval should be that the landscaping as shown on the plans filed with the application should be installed and maintained in a healthy condition and that any dead plant material should be replaced by the applicant.

It was moved by Commissioner Nakashima, seconded by Commissioner Wentz, and carried unanimously that the draft resolution as presented be adopted as City Planning Commission Resolution No. 7837 and that the application for the four-classroom addition be approved. Commissioner Dearman asked Mr. Holmen to keep the parties in touch with one another and Mr. Holmen agreed to do this.

Commissioner Bierman said in her view the proposed addition would improve the looks of the building while not changing its use in any way and she invited the neighbors to review the plans at the Department of City Planning or if possible at the church in the neighborhood itself.

DR77.62 (CU) 2565 POST STREET, SOUTH SIDE, 137.5 FEET EAST OF LYON STREET; DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR THE RENOVATION AND EXPANSION OF AN EXISTING CHURCH IN A PROPOSED RH-3 DISTRICT.

Mr. Passmore presented this case to the Commission using land use and zoning maps. He said that the applicant was asking to demolish the existing church which occupied a building originally built as a store in order to build a new 27.5-foot high peaked roof, one-story sanctuary building with approximately 200 seats. The accessory building on the site would not be changed. The project would cost approximately \$50,000 with some of the work being done by parishioners. He noted that the expanded main building would reduce the number of parking spaces from 16 to 12 and that the open space, all of which is paved, on the property to the rear and along the east property line would be reduced from 6650 to 4550 square feet. The resulting driveway would be fifteen feet wide. The applicant in this case is the Reverend Mr. S.M. Jackson, pastor of St. Andrew Missionary Baptist Church, the owner of the property. Mr. Passmore said that this project, like the previous one, was categorically exempt from environmental review and that the area is zoned for three-family houses and predominantly developed with two, three and four-family houses. A Buddhist church is across Post Street and the Emmanuel Pentecostal Church is to the east at the corner of Post and Baker Streets. The Westside Courts Housing Project, with 136 units, is one block to the east on the north side of Post Street. Mr. Passmore noted that the same code requirements applicable to the last case were relevant to this case. And finally he noted that under the Planning Code this proposed sanctuary would be required to have ten off-street parking spaces and the plans showed provision for twelve.

Mr. Passmore said the key issue was whether the new sanctuary would result in attracting more people to the area and whether the proposed building was in harmony with the building forms in the surrounding area. Mr. Passmore said one question not answered thus far was from what area of the city did most of the members of the congregation come. Commissioner Dearman asked who would look at where the congregants come from. Mr. Passmore responded that the applicant probably knew where the members of the congregation lived.

Samuel Jackson, the minister of the St. Andrew Baptist Church, and the applicant in this case, then addressed the Commission. Commissioner Dearman asked him from where the members come. Mr. Jackson responded that many of them come by way of the Geary bus as well as in cars and on foot. He said this site provided good connections but that most of the people in the congregation were from the nearby area. He said if he were to guess it would be 75% of the members live in the area and 25% live out of the area.

Commissioner Dearman asked if there was anyone in the audience who wished to speak in opposition to the project. No one responded.

Mr. Passmore stated that it was the recommendation of the Director of Planning that the application be approved subject to three conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions he recommended that the draft resolution be adopted. He noted that the design review called for in the draft resolution was needed because of the many newly renovated Victorian structures on Post Street. He said it was important that the new sanctuary fit in with these recently renovated buildings. Commissioner Dearman asked Mr. Jackson whether he agreed with the conditions recommended. Mr. Jackson answered that he could go along with them.

It was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution with conditions be adopted as City Planning Commission Resolution No. 7838 and that the application be approved subject to the conditions which had been recommended by the staff.

The Commission recessed for ten minutes and continued at 4:35 p.m.

Before taking up its next item the Director introduced to the Commission two guests who were present in the room for the purpose of observing an American planning body in session.- Mr. Turgut Cansever, a planning official from Istanbul, Turkey and Mustafa Asula, Consul General of Turkey, who were accompanied by Mary Burns of the Mayor's office and Marie Zeller, Planner III (Administration).

DR77.53 (CU) HIGH STREET, SOUTHEAST CORNER OF 25TH STREET (UNIMPROVED) WITH FRONTAGES OF 140 FEET ON HIGH STREET AND 94 FEET ON 25TH STREET; DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR AN EIGHT-UNIT RESIDENTIAL BUILDING ON A LOT OF 13,600 SQUARE FEET IN A PROPOSED RH-2 DISTRICT (EE77.225).

Robert W. Passmore, Planner V (Zoning), presented this case to the Commission using land use and zoning maps. Mr. Passmore indicated that the project was a proposal to build an eight-unit building with eight parking spaces on an irregular site of 13,600 square feet sloping down from High Street at the southeast corner of 25th Street which at that point is unimproved. He noted that the parcel includes Lot 15 in an R-3 zoning district and a portion of Lot 21 in an R-2 zoning district, both proposed for RH-2 zoning and both in a 40-X height and bulk district. He said the properties presently were vacant. He noted that the building would have approximately 10,000 square feet of floor area and 8600 square feet of open space and that the units to be included would be two one-bedroom units, two two-bedroom and one bath units, and four two-bedroom with two baths, units. He said each of the units would be fifty feet in depth and twenty-five feet in width with a living room facing out over the rear yard and having a view of the Noe Valley and the bay. He noted there would be four units on each of the two occupied levels and a basement level below with the eight parking spaces having access only from High Street. The facade would be of a prestained cedar shingle type, the height of the building from grade on High Street would be 22 feet. He noted that High Street is not paved for the entire length of the subject property and a parking ramp 23 feet wide leading down to the basement of the building would be at the southern end of the lot; this would be a side yard separating this building from the three-family building to the south. He said the applicant was the owner of the property, George Birmingham. To the south of the site fronting and High Street are three new three-family houses in a row. To the east of the site are the rear yards of houses fronting on Grandview Avenue and across High Street and up the slope is Portola Drive which becomes Market Street as it runs northward. This area is zoned for two-family houses at present although a 15-unit building would be permitted under R-3 standards. He said that a lot of this size could have a maximum of 9 units under the RH-2 District standards. And finally he noted that the applicant has filed a building permit application for this project and that a final negative declaration had been adopted and issued for this project by the Department on October 25, 1977.

Mr. Passmore noted that because of the difficult slope, this project required a special engineering report before a negative declaration could be adopted and issued. He said the major issue was whether it was appropriate to develop an apartment-type building instead of two-family structures. Commissioner Wentz asked whether this was considered a high-rise building, and Mr. Passmore answered in the negative. Commissioner Wentz indicated that a letter of protest indicated a fear of a neighboring property owner that a high-rise might be developed on this property. Mr. Passmore responded that in his view there would be no view blockage caused by the proposed structure.

George Birmingham, the applicant and owner of the property then addressed the Commission. He said that he had talked to neighbors and they seemed to be in favor of his project partly because it had the appearance of being flats and not an apartment building and also because there was no view blockage caused by it. Commissioner Bierman mentioned that from her observation on the field trip of the site that no views could be blocked by the proposed building.

Commissioner Dearman asked if there were anyone in the audience who wished to speak in opposition to the application. No one responded.

Mr. Passmore stated that it was the recommendation of the Director of Planning that the application be approved subject to two conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted. He noted that the applicant had agreed to accept the conditions and Mr. Birmingham responded in the affirmative.

It was moved by Commissioner Wentz, seconded by Commissioner Nakashima and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7839 and that the application be approved subject to the conditions which had been recommended by the staff.

DR77.19 (CU) 4501-25TH STREET, SOUTH SIDE, 225 FEET WEST OF DOUGLASS STREET, OPPOSITE HOMESTEAD STREET; DISCRETIONARY REVIEW IN LIEU OF REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A 23-UNIT CONDOMINIUM RESIDENTIAL PROJECT ON A LOT OF 34,500 SQUARE FEET IN A PROPOSED RH-2 DISTRICT (EE77.87).

Robert W. Passmore, Planner V (Zoning), presented this case to the Commission using land use and zoning maps. He said that the proposal was for construction of a 23-unit condominium complex on a site, presently vacant, which slopes upward from 25th Street and occupies more than 34,000 square feet, having a frontage of 150 feet along 25th Street and a depth of approximately 177 feet. The property is zoned for two-family use and is in a forty foot height and bulk district. The project would have three clusters of row-type houses; five single-family dwellings along Clipper Street with access to Clipper Street across a proposed easement to be bought from the city; six two-family dwellings to the east also fronting on Clipper Street; and six two-family dwellings fronting on 25th Street. He noted that open space between the three buildings would be landscaped and that there would be parking for 35 cars contained in three garages; two garages would be under the buildings fronting on 25th Street and one would be under the two family building fronting on Clipper Street. He described the

area along 25th and Homestead Streets to the north of Clipper Street as zoned for two-family houses and developed mostly with single-family houses with a scattering of two-family and multi-family units. Across Clipper Street south of the site is a condominium complex, Harborview Villas, and Douglass Playground is at the corner of Douglass Street. Abutting the site and fronting along Clipper Street is a 24-unit apartment house; another apartment house of 21 units is at the corner of Clipper and Douglass Streets. He noted that a final negative declaration had been adopted and issued for this project on October 4, 1977, and that the applicant is seeking a variance from the rear yard standards of the City Planning Code for which a hearing was held before the Zoning Administrator on April 20, 1977; no decision letter has yet been issued pending the decision of the Planning Commission in the matter. He concluded by saying that in 1966 the Commission had disapproved on a tie vote an application for a convalescent hospital with 162 beds proposed for this site, and in 1972 had approved a 32-unit dwelling for the site.

Mr. Passmore said that Alvin Hayman, president of Hayman Homes, Inc., owner and developer and his architect, William Heijn, were waiting to see whether the density they were proposing for the site would be approved by the Commission before completing working plans for the project. The architect had informed the Department that he had had considerable contact with residents of the neighborhood. The basic issues seemed to be whether the project was in conformity with the character of the surrounding area and the traffic impact of the project on the neighborhood. Of special significance was the fact that the property was separated from Clipper Street by a five foot strip of land over which the applicant would have to receive an easement from the Board of Supervisors to provide automobile access to a garage from Clipper Street.

At this point the Turkish guests, their escorts, and Commissioner Elliott left the room.

Commissioner Wentz asked whether the plan before them showed clearly the easement of Clipper Street and he asked about the history of the five-foot strip of land owned by the City. Mr. Passmore responded that at the time Clipper Street had been widened into a thoroughfare the City had retained the five-foot strip to prevent automobile access which it was felt could interfere with the traffic on the thoroughfare.

Alvin Hayman, the applicant, said that he has owned this property since 1972 and had previously received approval for a thirty-unit building. He noted that when he was ready to begin construction on his previous approval that he decided it was not in the best interest to do so and so has revised his plans down to a 23-unit project. He noted that this would conform to the proposed RH-2 zoning of the property. He said the innovative part of the

project was the garage on 25th Street which formed a platform upon which the residential units, which appeared to be flats, would be built. He noted that the area between the structures, the center of the block, would form a plaza for the property. Finally, he noted that if the Clipper Street entrance were to be used after the granting of an easement that the traffic load would be reduced for the 25th Street garages and that this would be better for the neighborhood. He noted that he had met with neighborhood residents many times over the past few years.

Jane Brady, a resident in the neighborhood, addressed the Commission and said that she had been the author of a letter which was in the Commission file. She said that she was concerned with this project because she was the owner of a house at the south end of Hoffman Street and that the proposed project would have a view into a glassed area of the tenants of her building. She noted that she was particularly concerned about access to Clipper Street for vehicles. From her point of view 25th Street was a one-family area and all that could be done to reduce the amount of tenant and guest parking on 25th Street would be appreciated. She said she hoped the Commission would approve the two garages on 25th Street instead of only one. She noted that the Planning Commission requirement of one parking space for each dwelling unit discouraged adequate parking in such projects and that more than one space per unit was required to handle the kind of vehicular activity that such a project usually generates.

No one in the audience spoke in opposition to the project.

Mr. Passmore stated that it was the recommendation of the Director that the application be approved subject to four conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions he recommended that the draft resolution be adopted. Mr. Passmore noted that up to this time the Department of Public Works had not agreed to the easement providing access on Clipper Street for the single driveway to the third garage.

Commissioner Dearman asked whether the conditions were acceptable to the applicant who answered in the affirmative. Mrs. Brady recommended that there be something stronger in the resolution which would require the applicant to get approval for the easement before he could go ahead with the project. Mr. Passmore responded that if the Department of Public Works or the Board of Supervisors were to disapprove the application for the easement that there was nothing the Department of City Planning could do. He said that if the Department staff were to urge approval that it would probably help the applicant receive approval. Commissioner Dearman noted that during the field trip the traffic on Clipper Street appeared to be a problem.

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After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Wentz and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7840 and that the application be approved subject to the conditions which had been recommended by the staff.

Commissioner Dearman acknowledged to the audience that the Commission was running late on its calendar and asked for their forbearance.

CU77.45 - 400 WEST PORTAL AVENUE, NORTHWEST CORNER ST. FRANCIS BOULEVARD, PROPERTY BOUNDED BY 19TH AVENUE ON THE WEST, WAWONA STREET ON THE NORTH, 15TH AVENUE ON THE EAST AND THE SCOTTISH RITES MEMORIAL BUILDING ON THE SOUTH; REQUEST FOR AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT PROJECT CONSISTING OF 84 CONDOMINIUM UNITS IN TWO THREE-STORY BUILDINGS WITH ENCLOSED PARKING FOR 135 CARS AND 1-STORY RECREATION BUILDING, ONE TENNIS COURT AND LANDSCAPING (EE77.180).
(CONTINUED FROM MEETING OF SEPTEMBER 1, 1977)

Robert W. Passmore, Planner V (Zoning), presented this case to the Commission using land use and zoning maps. Mr. Passmore noted after briefly describing the project that the matter had been continued in September in order to allow the applicant to meet with neighborhood groups. He said that the applicant had met with groups and had reached agreement with them and he noted that representatives of the neighborhood groups concerned were present in the audience.

Colburn Jones, representative of the L.B. Nelson Corporation, applicant, read a letter to him from the West of Twin Peaks Council indicating agreement with his corporation by a unanimous vote of the Council and urging the construction to proceed. The agreement was based upon the attitude of the Christian Science Homes, the owner of the property, and requested that the remaining land on the site be left undeveloped in the future. Commissioner Bierman said it was her understanding that Mr. Moretti representing the owner of the land had assured the Council that sixteen acres of the site could be preserved from development for fifty years. Robert Moretti, a representative of Ardenwood, the owner of the land read to the Commission from the agreement which had been reached and submitted copies of the agreement to the Commission.

At this point in the proceedings Commissioner Elliott returned to the room.

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John Craig, a resident on Sloat Boulevard for fifty years, addressed the Commission and thanked the members for putting the matter over on September 1 to allow for neighborhood input. He said this had allowed those concerned to look closely at the project and to understand it. He said this had also given him the opportunity to see the case report which had been prepared by the staff and to go over the negative declaration which had been issued for the project. He noted that in the environmental evaluation the answers to each of the environmental questions had been negative except for one question and that referred to the fact that the land was filled and therefore a major geological hazard because of the possibilities of subsidence. He said that he recalled that there had been a stream that ran along Ulloa and West Portal Avenues and across 19th Avenue to Pine Lake area. He said proper recognition of the soil conditions for this property was very important. He noted that he had served as executive secretary of the West of Twin Peaks Council for 45 years and yet had not been invited to their meeting on this issue. He said he recommended that the Commission impose stipulations before approving the project. Firstly, he suggested that all trees on the site should be preserved and if any were removed that they should be replaced. Commissioner Bierman asked him to define which trees he had been referring to. Mr. Craig answered that he meant all the trees including the pines on the site. Commissioner Bierman said she was surprised at how few trees would have to be removed for this project. Mr. Craig continued that the second stipulation he suggested was that there be provision for maintenance of the project and that the homeowners of the condominium units be organized so that the whole project could be properly maintained. Thirdly, he recommended that the boundaries of the proposed building be limited so as to reflect the final agreement that had been made with the West of Twin Peaks Council. He said the one question he had regarding the project was the time limit that the applicant had to begin the construction. He said it would not work to the best interest of the neighborhood if the project were dragged out for a long period. Commissioner Dearman asked Mr. Passmore to respond to the question. Mr. Passmore said that as far as the geological hazard was concerned that the recommendations of a licensed soils engineer would have to be followed and that the Department of Public Works had indicated that this condition could be mitigated by the proper professional design and therefore could be made safe. Commissioner Dearman asked how long the authorization and permit would be good. Mr. Passmore responded that the Commission could pin down the period during which the permit could be acted upon and after which it would be voided.

Barbara Bovaresco, a resident at 112 Sloat Boulevard, addressed the Commission and indicated that the project would come up to her back yard. She said that the project would aesthetically change the area. She indicated that she was a native San Franciscan and had raised two sons in San Francisco. Although all of her

friends had already moved to the suburbs she noted there were empty lots at 19th and Guerrerro and that the apartment complex there enhanced the property. She said that at the subject location the project would not enhance the property. She said also that she had never received proper notice from the Commission for this case but instead had received notice of the case on Homewood Terrace. She thought this was a small legal matter. In her view apartment buildings were foreign to this part of the city and if the Commission wished to retain middle class families that such apartment buildings for adults not allowing children, should not be permitted. Commissioner Bierman asked whether the project was for adults only and Mr. Passmore responded that most condominium projects were designed for adult tenancy but there would be no restriction on children.

Colburn Jones, the applicant, said that the tenancy would probably be "empty nestor" buyers who sold large houses and yet wanted to stay in the area. Mr. Jones said that this would not be a "adult community" and that the cost of the units would range from \$80,000 to \$125,000.

Mrs. Bovaresco continued that her concern was mainly ecological. She noted that white owls were seen in the area and that there were raccoons sleeping on the warm hoods of cars at night. She said she thought some consideration should be given to the uniqueness of this particular piece of property and she hoped this would not result in another Playland-at-the-Beach. She said she thought the school on the property would be in danger because an open construction site would be a hazard which would attract children and be dangerous. She said that caterpillar tractors were always a temptation for young boys and that there would also be a security problem for the developer. In addition she said she was concerned that there was not adequate parking proposed for the project and that there would only be $1\frac{1}{2}$ spaces for each of the units. She said that only three days a month could a resident in the neighborhood park in front of their house. At other times they must park in the garage because the streets were completely filled with cars. She said if there was a function going on at the church or the Scottish Rites auditorium that the parking congestion was very bad. She said more than 135 spaces were needed to adequately meet the needs of this particular project. Finally she said that she hoped there would be a limit put on construction time for the project so that the acreage would not lie barren and undeveloped for too long a period.

Commissioner Bierman asked that the staff address these questions and Mr. Passmore responded that the nearest building to the proposed project would be on Ardenwood Way and would be 150 to 200 feet away. He said that large areas surrounding the proposed building would be left undisturbed and there would be no construction near Mrs. Bovaresco's property. He asked that the developer respond to the question of timing of the project.

Colburn Jones, using large aerial photograph, indicated the location of Mrs. Bovaresco's house in relation to the proposed project and Mrs. Bovaresco indicated that she was satisfied that the new project would not be too close to her house. Mr. Jones continued that the Commission approval would guarantee that the open space remain for the life of the proposed apartment buildings. Mrs. Bovaresco asked did this mean that the property would not be touched. Mr. Jones answered in the affirmative, and said that while the staff case report had indicated there were three buildings proposed in this complex that actually it would be two buildings over the garage platform. He said that immediately upon approval of the project that construction would begin and would be completed within one year.

Mr. Passmore addressed the question of the adequacy of off-street parking and he noted that the Commission could authorize up to 126 spaces under the Planning Code parking standards which allow 1.5 spaces per unit. He noted that the plan called for 135 spaces which could only be approved by the Commission as a conditional use.

Mrs. Bovaresco asked whether the applicant was financially stable and able to continue through to the end with his project. Commissioner Bierman said in her view this was a very special, rare, and unusual site. Mr. Passmore responded that the L.B. Nelson Corporation had a good track record on Diamond Heights with previous projects.

Joe Bovaresco, the husband of Mrs. Bovaresco and also a resident at 112 Sloat Boulevard, requested that the Commission have the applicant put in writing that he had proper financing for the project. He also asked that all the members of the Commission visit the site before approving it. He noted that there were many children who used the area because of the three schools in the neighborhood. The members of the Commission indicated that they had all visited the site; Commissioner Wentz indicated that he lives three blocks from it.

Commissioner Bierman said that this was a rare spot in that there was a special garden. She noted that across the street was Sigmund Stern Grove. She said she thought it would be very expensive to save the property as public open space and that could only be done with the use of Proposition J Funds. She thought that this could not be considered a high-need neighborhood and that such public purchase was unlikely.

Commissioner Dearman asked about the safety factor involved in bringing in additional cars where there were so many children at play. Mr. Bovaresco said that at least 135 additional cars would be brought into the neighborhood. And he asked that

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additional assurance in writing be given that there was adequate funding for the landscaping of the site.

Colburn Jones said that for this project there had not been a financial institution in the city that had not contacted his company for financing. He said the project appeared to be almost risk-free. He said already there was a list of buyers and it appeared even before approval had been granted that it was a complete sellout. He said that there was minimum economic exposure and a tremendous pent up market for such units. He said the architecture for the project would be outstanding and they would be into the ground one day after receiving their building permits. He said that his company had a 16-year track record in the Bay Area to back up this application.

Mrs. Bovaresco asked about the security for the construction site. Mr. Jones responded that he had an agreement with Ardenwood for the erection of a fence prior to any construction. The fence would be only part of the total security package for the project and there would be permanent fencing erected after the construction had been completed. He noted that the preservation of trees on the site had been a concern expressed by the Department of City Planning from the beginning of negotiations. He said the entire project had been set back in order to preserve the Monterey Pines which ran along 19th Avenue and that actually most of the site was already cleared since it had been used for many years for flower beds for the Benevolent Home. Mrs. Bovaresco indicated she still wanted a letter as to the date for construction completion and financial stability of the developer. Commissioner Dearman said in her view any project involving the Christian Science movement was sure to be financially sound.

Commissioner Bierman asked whether there would be grading of the site before the final financing could be arranged. Mr. Jones indicated that site improvement would be begun before the final building permits were issued. He said it would be six months from tomorrow for development drawings to be prepared and reviewed by the Department. During that period the applicant would request and probably receive the permits for the site improvement. Commissioner Starbuck said he would want a stipulation in any resolution of approval that would require construction to begin within one year. Mr. Jones said he would be happy with such a condition. He said there was no question in his mind that within 90 days of the issuance of building permits that construction would be begun.

Mrs. Bovaresco asked about the remaining portion of land. Mr. Robert Moretti, the representative of Ardenwood, said that the Ardenwood home would be closest to the project and that the Nelson Company had been sought out as a developer for the property because

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of its track record. He said that the new project would not relate geographically to the care facility and he noted that for 50 years the property had been a flower garden. He said that they had chosen the developer with care because of their high sensitivity to community needs. He said that residents of the area would not see the project and that a majority of the property would not be touched by the new building.

Estelle Keefer, a resident at 2 Ardenwood Way, addressed the Commission and said that only three homes would border on the subject property. She said that she owned the one house most affected by the new project and that the tennis court would actually be an extension of her backyard. She indicated she had looked closely at the proposal and in her view the beauty of the grove may be improved because it is basically neglected at this time. She said the colonial style of the project would blend well with the neighborhood and she was impressed with the Nelson plans. She noted finally that 124 units could be built but only 84 were being requested.

Polly Layer, representative of the Greater West Portal Neighborhood Association, addressed the Commission and the members of the Commission acknowledged having seen the letter sent by Virginia Boushey, president of that organization. Ms. Layer asked that the Commission rezone the property remaining undeveloped in this neighborhood R-1-D so as to keep the remaining twelve acres undeveloped.

Commissioner Bierman asked if it would be appropriate for the property to be zoned OS and Mr. Passmore responded that only publically owned property could be zoned OS on the height and bulk district zoning maps.

Mr. Passmore stated that it was the recommendation of the Director of Planning that the application be approved subject to seven conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He noted that the project would be limited to 126 parking spaces and would not be allowed to have the 135 spaces as stated in the application.

Commissioner Starbuck moved that the draft resolution be approved by the Commission with a change in condition No. 7 to read that the construction of the planned unit development shall be commenced within one year from the effective date of this resolution instead of three years. Mr. Passmore said that a three year period was the standard length of time used for such resolutions and would allow for the completion of final building plans, financing and approval by the various city departments involved. Commissioner Wentz said he could not see the logic of limiting the

off-street parking spaces and Mr. Passmore responded that there would probably not be a high degree of automobile ownership in this project since it would probably result in having many elderly individuals and couples living in it. Commissioner Wentz seconded the motion and it was carried unanimously that the draft resolution as amended be adopted as City Planning Commission Resolution No. 7841 and that the application be approved.

At this point Commissioner Elliott left the room and the Commission took a short break, reconvening at 6:10 p.m.

ZM77.11 - BROTHERHOOD WAY, SOUTH SIDE, 700 FEET WEST OF THOMAS MOORE WAY AND 2150 FEET EAST OF LAKE MERCED BOULEVARD; LOTS 23, 32 AND 33 IN ASSESSOR'S BLOCK 7380; REQUESTS CHANGE OF THE USE (ZONING) CLASSIFICATION OF THE PROPERTY DESCRIBED ABOVE FROM R-1-D TO R-4 (HIGH DENSITY MULTIPLE RESIDENTIAL) DISTRICT TO ALLOW CONSTRUCTION OF HOUSING FOR THE ELDERLY (EE77.227).
(CONTINUED FROM MEETING OF SEPTEMBER 1, 1977)

Robert W. Passmore, Planner V (Zoning), introduced the case and explained that the matter had been continued from the September meeting of the Commission at the recommendation of the Director of Planning so that the applicant could do additional studies of the site to see whether the area is appropriate for further institutional use or not. He said that the developer had prepared a memorandum dated October 28, 1977, which had been sent to the members of the Commission earlier. He noted that the applicant had continued to study the matter and might have additional material to present to the Commission. Mr. Passmore said that the staff had reviewed all the reports and correspondence and was prepared to make its recommendation at this time in order to allow those who wish to testify on the matter to focus on the specific issues about which the Department was concerned.

Mr. Passmore stated that it was the recommendation of the Director that the application be disapproved. He noted that the draft resolution which had been prepared with this recommendation would need an additional clause indicating that the applicant had withdrawn from consideration lots 23 and 33, both presently developed with institutions. Mr. Passmore said the reasons the Department was recommending disapproval were the following:

- 1) Properties along the south-side of Brotherhood Way west of Junipero Serra Boulevard, including the subject parcel, have been placed in the most restrictive zoning district available under the City Planning Code in order to maintain this area for appropriate institutional development such as churches and schools, and there continues to be a demand for this type of development;
- 2) The proposed zoning would appear to provide a single property owner with a development potential not available to other properties on the south side of Brotherhood Way;

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- 3) The existing development of land along Brotherhood Way appears to preclude, at this time, the appropriate introduction of residential dwellings and services as part of a carefully planned residential neighborhood that would extend along the south side of Brotherhood Way between Junipero Serra Boulevard and Lake Merced Boulevard; and
- 4) The staff believes that sites for elderly housing can be found in more suitable areas of the city, where major changes in the type of land use permitted under the City Planning Code would not be required.

Commissioner Bierman asked whether there were adequate sites for such elderly housing projects as the applicant proposed. Mr. Passmore responded that in the opinion of the staff there were such sites available. He noted that areas in the southwest part of the city were properly zoned, and that in the staff's view the applicants were not justified in receiving a special benefit for this site.

Harry Foster, the authorized agent for Mr. and Mrs. Breder, the applicants, addressed the Commission and said that he was taken by surprise by the staff recommendation for disapproval of the reclassification. He said he did not agree that there were better sites available in San Francisco that would be suitable for this project. He said in order to meet the requirements of the staff that Mr. and Mrs. Breder had authorized his firm, Foster Engineering, to hire Livingston Associates to review the situation on the south side of Brotherhood Way and that this material was contained in the Livingston Report which had been submitted to the Commission. He said that Roy Kaufer, the person who had prepared the report, was prepared to refute the recommendation of the staff. Mr. Foster said that in their opinion the project was a fine example of a residential use which would fill a very great need of the community.

Roy Kaufer, of Livingston and Associates, architects and planners, addressed the Commission and said that he and conferred with the staff of the Department for the study which had been commissioned by the Breders and the conclusions were his own. He said he would like to address the issues raised by the recommendation of the staff. He said he did not agree with the second reason stated in the draft resolution which indicated that the site was appropriate for further institutional development. He said he disagreed with this and in his opinion the site was insufficient in size to be occupied by any new institution. He said in addition that as far as he knew none of the present owners of property along the south line of Brotherhood Way had plans to expand their use onto this property. He said he thought the second reason given was also wrong because no other property owner had expressed

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interest in this property and so there was no special development potential available to the present owner not available to others. He said he thought the third reason given was also incorrect in that there were existing facilities for residence in the area of Park Merced and in the Stonestown Shopping Center all of which was within five minutes of the site. In addition he said that the site had good access to transit and to automobile arteries and the additional traffic caused by the use is well within what it can handle. He said that because convents and other religious institutions would be acceptable at the site that a home for the elderly was not very different and should be approved. He said in the event the rezoning were granted that he agreed that there should be a limitation on the use of the site for housing for the elderly. He noted that the parking which would be on the surface would be prohibitively and unnecessarily expensive if put underground. He also noted that under the proposed I Zoning District that housing for the elderly was permitted as a conditional use and he noted that the I designation would be appropriate for this particular property. In the event the I District were deleted from the proposed zoning maps he proposed that the RM-1 District would be appropriate and was the proposed zoning for the Park Merced project across Brotherhood Way on the north. He said he wouldn't at that time go into other recommendations contained in the report of Livingston and Associates.

Commissioner Dearman asked for an explanation of the I District. Mr. Passmore responded that churches and other institutions would be able to have accessory elderly housing as part of large churches and institutions of higher learning in the I District. He noted that the I District was less restricted than the present R-1-D Zoning. He noted further that the Residential Zoning study had recognized elderly housing as not having as high an activity level as more routine residential uses and therefore had allowed it twice the density as other residential uses were allowed. Finally he said that the RM-1 proposed zoning district would allow one residential elderly unit for each 400 square feet of lot area.

William Cullen, architect for the project and a subcontractor of Foster Engineering, said that his opinion was the same as it had been during the first hearing on this matter in that he felt the site was ideally suited for the purpose intended. He emphasized that the site has amenities conducive to residential use such as its proximity to Lake Merced, to golf courses, to San Francisco State University, and to Park Merced, a residential complex where many of the prospective residents of the new facility would have lived in the past. He also noted that the site is conveniently located in terms of its proximity to services provided by churches, the Muni Railway, BART, the Stonestown Shopping Center, the Payless Store and the Westlake Shopping Center. The most

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appealing aspect of the site in terms of its suitability for elderly housing is that it is not in the downtown area. He said that the proposed project had been discussed with a member of the Commission on Aging and that individual had felt that the site would be appropriate for the use proposed. He said he felt that the proposed use would be compatible with the existing institutions on Brotherhood Way since those institutions belong in a residential area. One of the most important changes which he mentioned has been the diminishing supply of quality housing sites in the city. He emphasized that San Francisco has a shortage of housing for the elderly and he believed that objective arguments could be made in favor of using the subject property for housing for the elderly. Commissioner Dearman asked about the current zoning. Mr. Cullen said that the current zoning allowed for one-family use only and that the R-4 zoning being requested would allow the elderly housing project. He said that the cost of high density zoned property in other areas of the city is prohibitive and is not suitable for development for elderly housing. He said that it would be appropriate probably for the Commission to take any project on the site once rezoned under its discretionary review powers to insure proper development.

Commissioner Dearman asked whether the zoning could be made conditional and Mr. Passmore responded that under present zoning regulations the zoning cannot be made conditional in one action but that the Commission can change the zoning to allow the project and then can initiate discretionary review over any specific building plans which are submitted. Commissioner Dearman said even in that case once the zoning is changed to R-4 that would allow any use permitted in the R-4 District.

Mr. Cullen asked whether the discretionary review could be done in such a way that if the elderly housing project were not built the property would immediately revert to one-family zoning and Mr. Passmore answered in the negative. Mr. Cullen stated that the applicant wants the change in zoning solely for the purpose of building elderly housing on the site. He said that Mr. Papkov, a staff member for the Commission on the Status of Aging, was present in the audience and would speak on behalf of the applicant.

Mrs. Breder, the applicant and proposed operator of the elderly housing facility, said that she was shocked with the recommendation of disapproval and she then read the following statement to the Commission.

"I am Mrs. Breder, my husband and I are the owners of the proposed project. For many years, we have been searching for a good location to build a place where we could offer more comfort and please the big demand in our community.

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"Our residents come mostly to us from the Sunset, Richmond districts and Park Merced. These people lived there, worked there, raised their families there, and now when they are retired want to stay there.

"Is it too much to ask for permission to build a place for these members of our community? Don't we all want the best for our mothers and fathers?

"We all know, that in S.F. there is not too much space left where we could build, and especially not room for a project that we intend. Either the location is not suitable, or the neighborhood does not want old people around.

"We are in business for almost 11 years, my husband, I, and my two married children. In the years we have accumulated lots of experience. It takes devotion, understanding and love to keep a business like this going.

"We live and eat with our people together, our children and grandchildren grew up in the business. We create for our residents a new home and we make them feel wanted.

"My family and I intend to stay in this business for a long time to come. In fact my daughter is taking business courses at S.F. State University, so that she can be in our new project the business administrator. As you can see this is our new way of life.

"When we applied for a permit we were sure that the religious institution along Brotherhood Way would welcome us with open arms to their neighborhood.

"However, at the 1st of September hearing we were surprised with the opposition to the project. In the meantime, those religious organizations that had opposed it, had a chance to reexamine our proposal and now have a better idea of what we intend to build.

"Today we hope that they, too, will accept us as future member of their neighborhood. Thank you for listening to me and I hope that your decision will be in our favor."

Commissioner Bierman asked what the cost for the residents would be who lived in the facility. Mrs. Breder responded that the cost in their present facility was between \$500 and \$600 a

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month for room and board and that they would try to retain the same cost level in the new home but that it would probably be \$25 to \$50 a month higher. She said that their clientele could not afford higher prices than that. She said that they had a waiting list and many calls for new spots and that if they could build the facility they were sure they could fill it very quickly. She said that people give up their homes and want to move into such an establishment. She indicated that her homes were non-sectarian and open for everyone.

Commissioner Starbuck asked how many San Francisco residents were living at her Daly City facility. Mrs. Breder responded that she thought that all of the people in her Daly City facility were from the Sunset District of San Francisco and that they were people who wished to stay near their children who remained in San Francisco or the Peninsula.

Commissioner Bierman asked how the Breders advertised. Mrs. Breder responded that the only advertising they did was a small ad that was placed in the Jewish Bulletin. Commissioner Bierman said that she thought it was important to broaden this aspect so that there would be more of a racial mix in the facility as was the case with hospitals and schools in general. Mrs. Breder responded that she and her husband knew about discrimination and had been in a concentration camp for three and a half years.

Abe Papkov, a member of the staff of the San Francisco Commission on the Status of Aging, addressed the Commission and said that he was a resident of the Park Merced area nearest the site and that he would personally see this building every day if it were built. He noted there were many elderly people in the building where he presently resided and that the area is generally devoted to the elderly at this time. He said this application raised a concept which his Commission was very concerned with. He said it was important from their view that every area of the city be open to elderly housing developments. He said that studies had been made indeterminably of the needs of the elderly in terms of housing and that the elderly were not a homogeneous group, but needed a full range of facilities in different settings. He said the type of facility being offered by the Breders was unusual and should be encouraged. He said in his view the draft recommendation by the staff was shockingly insensitive and he said that agism had to be overcome just as racism had been overcome in the past. Since 1970 in Europe elderly projects were usually put in park-like areas like the Brotherhood Way area. He said it seemed to serve as a reward in retirement for the elderly. He noted that one out of four apartment seekers is an older person and that San Francisco has among the highest percentages of elderly population in the country. He noted that the policies of the Planning Commission he hoped would break old patterns of housing in the community. In

concluding, he said that this site seemed to be a place where elderly people belonged. He said there was an affinity of the elderly with nature and that the Commission should not relegate the elderly of San Francisco to the north and south of Market Street. He said if this application were disapproved it would be a long step backward.

Mary Ann Pak, a discharged nurse at St. Francis Hospital, addressed the Commission and said that she was familiar with the Breders and their work and that it would be unwise to advertise more broadly since they had a five-year waiting list already. She said she was familiar with many elderly people being mugged downtown in the course of her work and she said they needed a place to live outside of the downtown area.

Herman Ross identified himself as a guest at one of the Breder's homes. He said that he was looking for a place to live that he had been told to try the Breders by many people. He said he had lived in the Carrillon building with two other men in an apartment and then had moved into the Breders. He said it was much more than he had expected and that the people living there are very happy. He then read a petition in support of the application which was signed by people living in the home and expressing sorrow that the religious community of Brotherhood Way was in opposition to the Breder proposal.

Mrs. Jerry Ryan, a nurse in Community Mental Health Program and a teacher of nursing, addressed the Commission and said she was very shaken and disconcerted and would read her statement. Commissioner Starbuck assured her that the Commission often did not follow the recommendation of the staff and that she should go on. Mrs. Ryan then said that in the course of her work she visited many care homes in the city and that the Breder's was an especially good place. She said that many ministers and priests called on her to help find places for elderly parishioners. She said it is very common for people as they get older to not be able to take care of five, six or seven room houses and to have to go into an elderly home. She said she had visited the Breder's homes and that they were excellent. She said that Solomon had given a choice of what someone wanted and it took the gift of wisdom to know what to take. She said that the Commission would have to make a wise decision in this case.

Don Hesse, a member of the staff of the Human Rights Commission, said that this appeared to him to be an ideal site for housing and that the proposed building would not disturb the park-like setting. He said in his opinion the primary issue was that the land was no longer needed for institutional use and there was an overriding need for elderly housing right now. He said the

Planning Commission had taken other actions which had important consequences including the approval of RAP areas and the disapproval of the condominium conversion on Green Street. He said such decisions might be notice to builders to clear out buildings before converting them to condominium use and that this would result in people needing a place to go including housing of this type. He said if this project were allowed to be built it would free 104 existing units elsewhere in the city for other people. He said he supported the application because the applicants showed great concern for their clientele, and he hoped that Section 8 Funding might be available to subsidize some people in the program.

A man who identified himself as an attorney with a probate practice, addressed the Commission and directed their attention to a memorandum from a member of the Department of City Planning before them in support of the application. He said that in his opinion there were false statements in the draft resolution. He said that many elderly housing facilities were very bad and required the resident to sign everything they owned over to the operator and be granted a life tenancy. In his opinion the Breder's facilities were very excellent and he was shocked and dismayed at the reaction of the staff to their application. Commissioner Starbuck said that the staff had departed from its usual procedure of giving their recommendation at the close of the public hearing in order to enable the people who testified to address more specifically the key issues. He said that this procedure had been changed in order to be supportive of the applicants. The speaker said that in his opinion it was psychologically unwise to have done so. He said that in this case it appeared as if the harbingers for good would take all that the poor elderly had. Commissioner Bierman said that draft resolutions were modified all the time and that it was unfair to continually address the question of the staff recommendation which had been announced at the beginning of the hearing. She said that from her point of view it had clearly been done as a favor to make clear the staff position in order to facilitate people in addressing the issues it raised. The speaker said that in his opinion it had been in very bad taste. He said that in his many years of private practice he had never seen a matter of procedure so badly handled.

Trudy Plack, a woman whose mother had chosen a Breder home to live in, asked that the Commission support the Breder's application.

Miss Sorenson said that in Washington D.C. a new facility for elderly housing was going up on a piece of property adjacent to a community center and other institutions. She said people there think it is a terrific idea because the institutions serve each others' needs. She said it appeared that here zoning would not allow this to happen.

S.M. Saroyan, a representative of St. Gregory's Armenian Church, said he would like to speak against the application and to stress eight points. He said that every institution on Brotherhood Way had strenuous objections to the application. He said first of all that the area was set aside for non-profit institutional use and that what had developed there was virtually a league of nations of religious institutions and community centers. He indicated that his institution was going to build a cultural center. He said that his church was presently on Commonwealth Avenue but that it was too crowded and residential so they had purchased property on Brotherhood Way in what they call church row. He said they own the property between the Richmond Masonic Lodge and the Church of Christ, a parcel of about 2 1/4 acres. This proposal was poor because on Sundays there was a great congestion on Brotherhood Way. Recently on Yom Kippur, it was an especially serious problem and had an emergency arisen it would have been impossible for emergency vehicles to get through. He said there are between 45 and 55 days of real congestion each year. The most important reason though that he was opposed to the application was because the Breders represent profit and commercialism in an area of non-profit institutions. He said he was not saying that they were not good operators of such facilities but that in a row of churches it was inappropriate to allow a commercial facility to be established. He said from his point of view it would be fraud to allow a boarding house in this area because it was a commercial use. This street he said was set aside for a certain purpose and although a boarding house might be a noble one this would be the wrong place to allow it. He asked that the Commission retain this property for religious, charitable and eleemosynary purposes. If the Breders were to look around the city they would probably find other more suitable property. In conclusion, he asked that the Commission reject this spot zoning application. Commissioner Dearman asked if Mr. Saroyan would reject a housing proposal by a church or other non-profit group. Mr. Saroyan responded that it would be alright with him if it were non-profit.

Father Anthony Kosturos, pastor of the Trinity Church at 999 Brotherhood Way, referred to letters he had written to Mr. Passmore and Mr. Steele objecting to the project. He said that he had been a priest for 29 years and the basic fact for the Commission to keep in mind was that this application was for a profit-making facility. He said when the property had been sold to his institution that speculators had made bids for it and he had begged them to allow only churches in this area. He said he was offended that aspersions had been caste on spirituality in this matter. This was a profit-making venture on the part of the applicant and that was the key fact to keep in mind. He said that his institution had recently been asked if they would sell property for use as a gas station and that they were keeping

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their agreement to their brothers and sisters on Brotherhood Way and so refused to sell. He said that the Breders already had a site in another area and that the institutions were not being cruel in opposing their application. He indicated that both the Jewish Temple and the Jewish Community Center were also in opposition to the application. He repeated what had been said in the letter that it would be appropriate for an institution to develop the project on a non-profit basis. He emphasized that there were already seven institutions along Brotherhood Way which served the elderly on a regular basis without profit. He said that the institutions were not pushing out people but instead served them every day of the year. He called the area a unique one because it was integrated and not segregated. From his point of view he said it was not Christian to charge \$600 for care for the elderly. Finally, he said the Breders' facility would cut down on the breathing space for his institution which wanted to expand and build a gymnasium and elementary school. He said the Breders' idea would cause outright congestion. He concluded by saying that it was unfair to call the institutions wrong for opposing the application since this was not the only spot in San Francisco for them to locate.

Commissioner Bienman said that from her point of view the cost of \$500 per month for room and board for elderly care was not unreasonable, granted that some could not pay that much money. She said that from her point of view there was no real profiteering going on here and that no one was living in a very grand manner for that cost. She said in a downtown hotel the cost would be \$450 or \$500 a month for poor food and a very congested neighborhood. Father Kosturos asked that the Commission be careful of setting a precedent by rezoning a single parcel that could lead to other parcels being rezoned and thus the destruction of the concept of Brotherhood Way. He said that the institutions had lived in harmony for many years and they were united in being against the project because it was profit-making and because it seemed to them an inappropriate spot for elderly housing.

Mike Houston, pastor of the Lake Merced Church of Christ, said that he was not impugning the motives of the Breders or their capability for running an elderly housing facility. He said that he had practical objections, and that he was most concerned with the precedent that would be set if this one parcel were rezoned to high density. It would then be possible for other high density apartment houses to be built on the site and this would not fit in the concept of non-profit institution for Brotherhood Way. In his opinion the traffic was also a problem. There was only one access road for all the institutions. The police had tried to keep this clear and at times it was very congested and difficult. He emphasized that there was only one entrance and one exit and

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this could prove dangerous for the elderly residents proposed for the site. He summarized by saying that the institutions were not against homes or services for the elderly but they were against a profit-making institution coming in among them.

William J. Owen, secretary and treasurer of Congregation Beth Israel-Judea, spoke in opposition to the application and said that in his view there continued to be a demand for this property for institutional use. He said that years ago the property had changed hands for the purpose of a school which had failed for lack of financing, but that in his view eventually an institutional use would be built.

Commissioner Starbuck asked why there had been no institutional expansion on this property. Mr. Owen responded that so far it had not proved suitable and his institution had not been able to finance what they had wanted to put in. He then noted his support for the Department's reasons for disapproval including the fact that the application could be considered one for spot zoning and therefore might be illegal. In addition he said that from his point of view there were many more suitable places than along Brotherhood Way. He noted for instance that one block from Junipero Serra Boulevard on Arch Street that there was a site which had access to two bus routes and a streetcar route. In addition, that site was less than a block from drug store and a grocery store but the property was zoned for one-family use and was probably not for sale. Mr. Owen then asked why the Department had issued a negative declaration when it was recommending disapproval.

Commissioner Starbuck said that from his point of view the spot zone would not be illegal although such procedure was frowned upon by the courts unless there were adequate reasons to support a small zoning district.

Mr. Passmore addressed the question of the environmental evaluation and said that the Department had two choices. Either it could determine that there would be a significant environmental effect under the State environmental review laws in which case the full environmental impact report would be required, or it could determine that there would be no significant environmental effect and issue a negative declaration as had been done in this case.

Commissioner Bierman said she felt this would be an appropriate use on this site. She said that her parents resided in a similar facility and that such homes were needed and were in greater demand now than ever before. The alternative of downtown hotels she found unsatisfactory. She said apparently at the time Brotherhood Way came about there was a need for land for institutional use but that this lot apparently is not big enough for a church. She

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said a similar case recently before the Commission involved the property owned by the Jewish Community Center on Sacramento Street. In that case people didn't like the idea of the elderly housing being built but they were going along with it because of the proven need for such housing. She said in that case the opposition has diminished and in her opinion if the Breders were allowed to build their facility the churches would not be hurt along Brotherhood Way. She said that the Commission would be careful about any final plans and would take the matter under its discretionary review. Commissioner Bierman then moved approval of the rezoning and Commissioner Nakashima seconded her motion.

Mr. Passmore and Commissioner Starbuck then briefly discussed the possible issue of spot zoning in this matter.

Mrs. Breder said that it might be possible to double up in a few of the rooms in the proposed building in order to charge only \$350 per month for poor residents. Commissioner Bierman asked if she was aware of Section 8 Funding for elderly housing. She described it as a subsidy program from the government for elderly poor. The Director said that there was very limited amounts of Section 8 Funding available and that it would probably not be appropriate in this situation. He said there were certain stipulations as to integration that probably could not be met under these circumstances. In addition he said there were standards for space that might not be met in this case.

Commissioner Dearman asked if this zoning were approved whether it could be used for other purposes other than the Breders' Home. Mr. Passmore responded that the Commission could initiate the rezoning to a more restricted district at a later date if for some reason the Breders were not able to proceed with their project after rezoning.

Commissioner Bierman asked whether RM - 1 zoning could be approved at this time. Mr. Passmore answered that the Commission could initiate RM-1 zoning which in his view might be more compatible with this use. He said in his view it did not appear that they needed the R-4 density standard for the number of rooms they were anticipating.

Commissioner Wentz said that he had been impressed by the testimony in support of the Breders' application and that this appeared to be a good place for this kind of housing. He noted that his mother was in a hospital and he could appreciate the position of many of the audience. He said that the middle class appeared to be a forgotten class. He said that we worry about the poor, and that the rich were able to take care of themselves, but the middle class had a real need for this kind of institution at these reasonable rates. He indicated that he would vote for Commissioner Bierman's motion for approval.

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Commissioner Starbuck indicated that he would vote for approval of the reclassification although he would be the first generally to be against anything that appeared to be spot zoning and that he had the greatest respect for technical land use regulations. He said in this case the demographics were overwhelming and that with a vacancy rate of only 1 to 3 percent for rental housing that the social need was very clear that this facility was very necessary at this time.

Commissioner Wentz called the question and the Commission voted 4 to 1 to take the matter under advisement for one week in order for the staff of the department to prepare a draft resolution for approval of the rezoning application. Voting for approval of the reclassification were Commissioners Bierman, Nakashima, Starbuck and Wentz. Commissioner Dearman voted against the motion.

R77.50 LEASE OF PROPERTY FOR PUBLIC LIBRARY BRANCH AT
653 CHENERY STREET, LOT 29 IN ASSESSOR'S BLOCK 6742.

Mr. Passmore presented this case briefly to the Commission saying that the proposal is to lease property at 653 Chenery Street for use as a branch library to replace the existing Glen Park Branch Library at 2842 Diamond Street. The existing library is a portion of the site proposed for development as Glen Park Center by Mr. Bernard Kelly, a project for which an environmental impact report is presently being prepared. He went on to say that the building in which the library would be includes an apartment unit and an additional space. This additional space is a terminated non-conforming use, since used as an illegal warehouse within the existing R-2 and proposed RH-2 districts. The public library would be allowed as a principal use within the district if in conformity with the Master Plan; it would otherwise first be allowed within a commercial district. There are houses nearby on Chenery Street, and a vacant lot and several stores on the opposite frontage. Diamond Street is one half block to the west within a C-2 district. He noted that the residence element of the Master Plan calls for supporting housing with adequate public facilities. The urban design element calls for protecting the livability and character of residential properties from the intrusion of incompatible new buildings, which would be accomplished in this case by the conversion of an existing building for the library. Mr. Passmore said that the Director of Planning recommended that he be authorized to report that the lease of property in this case is in conformity with the Master Plan.

Commissioner Bierman asked what the position of the Glen Park neighbors was in this case. Mr. Passmore responded that they were in favor of this lease of property because their own library had been displaced.

NOVEMBER 3, 1977

It was moved by Commissioner Bierman, seconded by Commissioner Wentz and unanimously passed that the Director be authorized to report that the lease of property is in conformity with the Master Plan.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary

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CITY PLANNING COMMISSION

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, November 10, 1977.

The City Planning Commission met pursuant to notice on Thursday, November 10, 1977, at 1:30 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Susan J. Bierman, Ina F. Dearman, Vice-President; Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert W. Passmore, Planner V (Zoning); Dr. Selina Bendix, Environmental Review Officer; Richard Gamble, Planner IV; Charles Gill, City Planning Coordinator; Alec Bash, City Planning Coordinator; Marilyn Brown, Condominium Consultant; and Robert H. Feldman, Planner II and Acting Secretary.

Gerald Adams represented the San Francisco Examiner, Marshall Kilduff represented the San Francisco Chronicle, Dan Borsuk represented the San Francisco Progress and Marjorie Fishman represented the San Francisco News Letter.

APPROVAL OF MINUTES

The Minutes of the meeting of September 1, 1977 were approved unanimously as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced a special meeting of the Commission set for 7:30 Tuesday night, November 29, 1977, for a presentation by the Residential Zoning Study staff of the Department of the revised residential zoning maps and the draft text amendments to the City Planning Code accompanying the maps. He submitted to the Commission a copy of the newspaper notice announcing this meeting.

The Director announced a seminar concerned with the S.F. Waterfront on Saturday at the San Francisco Art Institute and a planning workshop to discuss the Candlestick Point area. In addition, a second session by the San Francisco Forum on Jobs and the Economy is set for November 17, 1977.

The Director reported that on Monday the Board of Supervisors approved funding for a study of the North China Basin Area and he distributed a report sheet showing Department salary savings up to October 31, 1977.

On the rec atly proposed amendments to various City Codes, including the City Planning Code, concerning discretionary review and other matters, the Director reported that the City Attorney had indicated to the Board of Supervisors that they could not be approved as to their legal form and these matters were withdrawn from the Board calendar.

The Director and the Commission set the time for a field trip to the Fisherman's Wharf area with the Council of District Merchants' representative for December 15, 1977.

R. Spencer Steele reported that four recent actions of the Commission have been set for appeal by the Board of Supervisors on November 14 and November 21, 1977. Mr. Steele also reported that new evidence submitted to the Board of Supervisors on the Youth Campus, Inc. treatment center proposed for the Convent of the Good Shepherd site supported the staff position that the new center would be substantially a continuation of the previous use on the site. An attorney representing the Portola Voters Association, which opposes the project, requested that the Commission consider holding a public hearing on this matter. He said that his group believed that the project wouldn't conform to zoning regulations and that it would change the character of the area; he requested that an EIR and an Institutional Master Plan be filed by Youth Campus, Inc.

The Director distributed to the members of the Commission the reporting forms for financial disclosure required under the Conflict of Interest Code of the Commission and Department for filing with the Department by November 28, 1977.

Commissioner Starbuck said he was concerned about the proposed 45-story office building proposed in the Embarcadero Center on the site of an originally proposed 60-story building. He requested that the Urban Design and Land Use Guidelines and the Department analysis of the project be presented by the staff to the Redevelopment Agency which is considering the matter and that the staff might consider preparing a draft resolution to be presented next week to the Commission for its consideration.

Commissioner Rosenblatt reported that the developer of the North Point Marina Project had informed the Department that the plan for the observation tower-navigation aid presently proposed was being altered so that its height would not be more than 40 feet.

The Director concluded his report to the Commission by noting that the room in the Department office formerly used as a Commission meeting room has been converted into an office for the environmental review staff, which had outgrown its former quarters.

Commissioner Elliott suggested that the Commission consider taking item No. 12 on the calendar out of order because Ruth Kadish of the Airport had phoned and requested that the matter be put over to a later meeting so that the Airport staff could respond appropriately. The Director reported on his call to the Airport Director. Commissioner Starbuck moved, Commissioner Dearman seconded, and it was passed unanimously that the consideration of the draft resolution urging the San Francisco Airports Commission to direct the filing of an environmental evaluation for certain components of the expansion/modernization program be continued three weeks to the meeting of December 1, 1977. Commissioner Starbuck requested the staff to give notice of this action and the next meeting to Susan Smith of the San Francisco Tomorrow and to Mr. Heath, Director of the Airport.

R. Spencer Steele, Assistant Director-Implementation, asked that item No. 2 on the calendar be continued to later in the afternoon to give the staff time to complete the documents necessary for Commission action. He noted that the public hearing had been held on this matter and no testimony was expected. The Commission unanimously agreed to this agenda change.

DR77.31 - CONSIDERATION OF A REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7710726 FOR A NEW 2-UNIT RESIDENTIAL BUILDING AT 1071 GIRARD STREET.

Commissioner Bierman asked if the neighborhood residents who had shown concern had been notified of this matter. Robert W. Passmore, Planner V (Zoning), responded that the Department had notified the concerned parties.

Mr. Passmore presented this case to the Commission, noting that the applicant had submitted a new application after the Commission had disapproved the original application for a 3-unit building. This new proposal was for 2-units over ground floor parking and storage. The units would be set-off so that each would have its own individual entrance, and each would be on a separate floor. The staff considers the project reasonably compatible with the surrounding area and an appropriate use. Agatha Nichols of the Girard Street Block Club had requested discretionary review in a letter to the Department dated October 31, 1977.

R. Spencer Steele, Assistant Director-Implementation stated that it was the recommendation of the Director that the Commission not exercise its powers of discretionary review in this case. He noted that Commission Resolution No. 7785, disapproving the applicant's permit application for a 3-unit building, adopted at the August 4, 1977 meeting, had specifically approved any application for a 2-unit building by the applicant for this site, subject to review of plans by the staff. Mr. Steele said that the plans showed an unusual layout which would prove impractical to modify for a third unlawful unit.

Commissioner Dearman requested an explanation of the zoning of the property. Mr. Steele said that the zoning was R-3 and proposed for RM-1, although the proposed M-1 district would probably be the most appropriate. A 3-unit building would comply with the RM-1 controls.

Commissioner Dearman asked for more details about the proposed building. Mr. Steele said that each of the two units would have its own separate entrance and that there would be three parking spaces in the garage area. Mr. Passmore added that the neighbors hadn't yet seen the final plans and the units have not been changed in their basic layout except that now there were separate entrances. The units are flats with one over the other.

Commissioner Bierman said that she was concerned with the project and wondered whether it would fit in. Mr. Steele responded in the affirmative and said that the building would be 30 feet in height and both the height and the use would be appropriate for the neighborhood.

Commissioner Rosenblatt asked if anyone in the audience wished to speak in favor of discretionary review. There was no response. The applicant, Omar Saleh, indicated he was present if the Commission had any questions.

After further discussion Commissioner Wentz moved, Commissioner Elliott seconded, and it was unanimously carried that this request for discretionary review be denied.

DR77.63 - CONSIDERATION OF REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7710704 FOR CONVERSION OF A GIFT SHOP INTO A RESTAURANT AT 3130 FILLMORE STREET.

R. Spencer Steele, Assistant Director-Implementation presented this matter to the Commission. He explained that the building permit application was for alterations to convert an existing gift shop into a restaurant. The request for discretionary review had been received from John Hyatt, resident of 240 Pixley Street, who is a representative of the Golden Gate Valley Neighborhood Association, which opposes any more restaurants or bars in the Union-Fillmore area. In addition legislation is pending before the Board of Supervisors, which would establish a moratorium on all permit applications in this area pending a study of a special zoning use district in this commercial area to control commercial growth and protect the immediate residential areas from traffic, parking and noise problems. Mr. Steele recommended that the Commission continue the matter one week in order to see how the Board's action might affect the application. He said that the staff would report any developments on the legislation to the Commission.

Commissioner Wentz asked for an explanation of the intent of the proposed legislation. Mr. Steele said that Supervisor Feinstein had submitted the legislation establishing a moratorium to put a hold on permits for new restaurants, bars and cabarets which cause heavy night-time traffic and which drive away day-time commercial uses out of the area. A special use district would be designed to control this growth and protect the commercial uses which serve the residents of the area. He noted that the restaurant proposed for 3130 Fillmore would serve Mexican food and three brands of beer from 11:00 a.m. to 8:00 p.m. and would not be the type of use open to 2:00 a.m. which tends to upset the residents.

John Hyatt, representing the protesting residents, said that he thought the moratorium wouldn't apply in this case. Rai Y. Okamoto, Director of Planning, said he recommended the matter be continued in order to ascertain the exact nature of the proposed moratorium; he said that he was opposed to the Commission taking the matter under its discretionary review until the impact of the legislation on this case was clear. Commissioner Rosenblatt asked whether this permit application was filed before the legislation. The Director responded that the application had been filed before the legislation had been introduced and that there wasn't yet an ordinance in effect; the Commission could take the matter under its discretionary review powers.

Commissioner Rosenblatt asked the members of the Commission whether they wanted to hear from the parties and the Commission indicated its willingness to take testimony from a representative of the neighborhood and from the applicant. Commissioner Rosenblatt noted that the Commissioners had before them the correspondence in the case, including the petition from the residents and the letter from Gilbert A. Milan, the prospective operator of the restaurant, dated October 31, 1977.

John Hyatt, representing the Golden Gate Valley Neighborhood Association, Inc., read a statement to the Commission and submitted a second petition with 62 signatures which he said were all by residents who lived within two blocks of the proposed restaurant. He described the traffic and parking congestion in the area and the efforts of the residents to get legislative relief. He said that within these blocks are 16 establishments, all but two open to 2:00 a.m. Legislation would set 10:00 a.m. to 6:00 p.m. as the hours of operation for food and drink establishments. He said that the hundreds of customers leaving the area at 2 and 3:00 a.m. are a disaster for the residents. He said the situation is intolerable and he submitted photographs to the Commission as evidence of many traffic accidents and illegal parking; he also submitted a letter from Janet B. Wentworth in support of his position. He said in conclusion that 76 bars and restaurants in the area stay open to midnight and that he thought it unlikely that the proposed restaurant would only be open during daylight.

Jeffery Perkins, an attorney representing Gilbert A. Milan, the applicant, said the issue was congestion due to the success of the bar in the area which catered to singles. The neighbors are saying that because there is traffic that further competition is untenable. However, Mr. Milan doesn't intend to compete with the Balboa Cafe and the Pierce Street Annex. His establishment will have 48 seats with 20 bar stools and serve only beer with meals. He said that he and his client commiserate with the residents about the drunkenness in the area. However, the area has been regulated by zoning controls for many years that allow commercial uses and many of the residents had knowledge of these regulations when they moved into the area; from his point of view it was grossly unfair to ask the business people to change their outlook at this time. Property values are increasing and new businesses should be allowed to open. The state Alcoholic Beverage Control Board may be the proper forum for regulating these operations. He concluded by noting that Mr. Milan was present to answer any questions.

Commissioner Bierman asked for a count of properties along Fillmore Street and the percentage of them which were occupied by bars; she moved the matter be continued and Commissioner Dearman seconded the motion.

President Rosenblatt asked about the role of the Board of Permits Appeals. Mr. Passmore said that the Board of Permit Appeals didn't control these operations and that the Commission could take individual permits under their discretionary review.

John Agar, one of the owners of the property, said that he was negotiating the lease and had spent a lot of money, time and energy so far. He said the parties had agreed on time but that now the Commission was putting the matter over until the Board took action. He said he had a horrible suspicion the permit would finally be held up and this would be a hardship on his tenant, who had been negotiating for an option to buy, showing an interest in the future of the neighborhood. He said his own position was to break off negotiations if the matter were not resolved soon.

Commissioner Dearman said that this was a difficult case and that it might not be resolvable. She said she understood the problem of the residents as well as of the owners of the commercial properties.

After further discussion Commissioner Starbuck moved, Commissioner Bierman, after withdrawing her motion to continue, seconded, and the Commission unanimously passed a motion to take this matter under its discretionary review; a public hearing was scheduled for 5:45 p.m. on December 1, 1977.

Mr. Hyatt said that the moratorium was not the issue and a decision was needed in this case.

Mr. Perkins asked that the matter be moved up to an earlier date because otherwise it would be moot.

President Rosenblatt said that the matter had been voted on and was closed until December 1, 1977.

At this point in the proceedings, Commissioner Elliott left the room.

DR77.66 - CONSIDERATION OF A REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7706350 FOR CONSTRUCTION OF A NEW 7-UNIT RESIDENTIAL BUILDING AT 3239 MISSION STREET, EAST LINE, 175 FEET SOUTH OF FAIR AVENUE (EE77.196).

Robert W. Passmore, Planner V (Zoning), noted that the Commission had before them the comments of the requestor and the applicant and said that Richard Gamble, Planner IV, who is responsible for recreation and open space matters, would present the case to the Commission.

Mr. Gamble described the request of the Puerto Rican Club of San Francisco, which has been joined by the Bernal Heights Association, for a small park on the subject property at 3239 Mission Street. He said that the Board of Supervisors had approved their request but hadn't committed any money for the project. He described using maps and schematic drawings, the proposal and the surrounding properties, including a proposal to extend public stairways to Mission Street. He noted that the property was adjacent to property owned by the Puerto Rican Club and that the proposed 7-unit residential building would block from public view a mural on the side wall of the Club building. He said that the developer wants to sell the right of way and that the Trust for Public Land would be willing to hold the land until the City is able to buy it next July; funds set aside this year by the Proposition J Committee were all earmarked for other projects. President Rosenblatt asked about the specific parcels which would be purchased and Mr. Gamble answered that all four parcels as shown on his map would be purchased with Proposition J funds.

President Rosenblatt asked if the neighborhood groups had anything to add to their written statements.

Nancy Buckley, who works with the Puerto Rican Club at 2249 Mission Street, said that the mural was visible from Mission Street and she submitted photographs which showed the mural. She said the Club was willing to donate a strip of their property in back of their building so that the steps could be extended to connect the parcels. She said that in her view a mini-park would be of enormous value to the community and would provide recreational space for both the young and the elderly. She urged that the Commission act in a manner that supported the park concept.

Samuel Schneider, the design engineer for the 7-unit project, said that the two parcels were acquired last February and April, before the mural had been painted. Mr. Brosnan, he said, one of the owners, had told the Puerto Rican Club that their mural would be blocked by the proposed building and that it was painted anyway. He said that the owners had never been informed that there was a Proposition J proposal to purchase the land for use as a public park. He said in his view a park was not appropriate because there wasn't much foot traffic along this part of Mission Street. He concluded by declaring that the point of the request was to use open space money to squelch a desirable project with a park that won't meet the needs of the people who live on Mission Street, but would be good for people on Coleridge Street. He noted that the transit first policy of the Commission meant that apartments were desirable and appropriate along Mission Street. He urged denial of the request and said that Mr. Murphy bought the land in good faith for development with apartment buildings and found out only three weeks ago that the property was being considered for open space acquisition.

At this point in the proceedings Commissioner Elliott returned to his seat on the dais.

Mr. Passmore said that the Castro and Duncan Street project was a similar case where the Commission took the matter under its discretionary review and approved the permit; the contractor is holding the permit until the City arranges the funding for acquisition. He said it seemed to be working out. Commissioner Bierman noted that the developer hadn't agreed finally in that matter.

President Rosenblatt asked if it were the recommendation that this matter be put over to explore the possibilities. Mr. Passmore said that the permit had been in the Department since June; if it was desired to put the matter over it should be to the December meeting of the Commission.

Mr. Schneider said that the owners had money tied up in this land and can't utilize it to conduct their occupation as building contractors. This ties up their efforts.

President Rosenblatt said that the reason for putting the matter over was to see whether the Trust for Public Land would help by purchasing the property and holding it until the City is able to buy it for park use. Mr. Schneider responded by saying that neither of the property owners had been notified of this.

It was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and passed unanimously that the Commission grant the request to take this matter under its discretionary review, and that a public hearing be held at 1:30 p.m. on December 1, 1977.

ZM77.11 - BROTHERHOOD WAY, SOUTH SIDE, 700 FEET WEST OF THOMAS MORE WAY AND 2150 FEET EAST OF LAKE MERCED BOULEVARD; LOTS 23, 32 AND 33 IN ASSESSOR'S BLOCK 7380. REQUESTS CHANGE OF USE (ZONING) CLASSIFICATION OF THE PROPERTY DESCRIBED ABOVE FROM R-1-D TO R-4 (HIGH DENSITY MULTIPLE RESIDENTIAL) DISTRICT TO ALLOW CONSTRUCTION OF HOUSING FOR THE ELDERLY (ER77.227). (UNDER ADVISEMENT FROM MEETING OF NOVEMBER 3, 1977)

Robert W. Passmore, Planner V (Zoning), presented this case which had been taken under advisement at the meeting of November 3, 1977 for the purpose of allowing the staff to prepare a draft resolution for approval of the reclassification to R-4. He noted that the applicants had amended their application to delete lots 23 and 33 from consideration, and he said this was covered in the draft resolution prepared by the staff and before the Commission, which he summarized.

After further discussion Commissioner Bierman moved, Commissioner Wentz seconded, and it was carried 6 to 1 that the draft resolution be adopted as City Planning Commission Resolution No. 7842 and that the amendment of the application to delete lots 23 and 33 be accepted and that lot 32 be reclassified to R-4. Commissioners Bierman, Elliott, Nakashima, Rosenblatt, Starbuck and Wentz voted "Aye"; Commissioner Dearman voted "No".

The Commission recessed for fifteen minutes and reconvened at 3:23 p.m.

President Rosenblatt announced that the matter involving the Doggie Diner proposed for the property at 16th and Valencia Streets had been scheduled for hearing on December 1, 1977. This case had been previously tentatively scheduled for this time.

R77.24 and R77.31 - SALE OF PROPERTY AND EASEMENT FOR PEDESTRIAN ACCESS, LIGHT AND AIR AT UNITED NATIONS PLAZA.

R. Spencer Steele, Assistant Director-Implementation, presented this matter to the Commission as follows:

"The proposal is to sell a five- to six foot strip of City property in order that the property line of a proposed seven-story, approximately 40,000 square foot office building would be aligned with the adjoining lot. Sale of a 23-foot wide easement for light, air and pedestrian access is also requested, in order that the proposed building could front upon United Nations Plaza.

The setting and further review processes for the building are described in the Preliminary Negative Declaration, issued under File No. EE77.343 on November 4, 1977, which is before you.

"The Urban Design Element, in its Policies for Conservation, calls for recognition of outstanding and unique areas in urban design planning, and for special review of building proposals to assure consistency with the character and scale of the area. In Policies for Major New Development, the Element calls for promoting harmony in the visual relationships and transitions between new and older buildings, promoting efforts to achieve high quality of design for buildings to be constructed at prominent locations, relating the height of buildings to the height and character of existing development, and promoting building forms that respect and improve the integrity of open spaces. It notes that buildings to the south, east and west of plazas should be limited in height or effectively oriented so as not to prevent the penetration of sunlight to such plazas, and that larger squares and plazas benefit from uniform facade lines and cornice height around them which will visually contain the open space.

"The easement to allow the building to front on United Nations Plaza would enable development which relates to that public open space. The sale of property would permit the proposed development to line up with the adjoining building, avoiding the discontinuity of a triangular building portion jutting into the plaza; this was originally proposed to the developer by the Department of City Planning by letter dated July 5, 1977. The preliminary designs that have been developed thus far, with arches, facade articulation and cornices, demonstrate a degree of sensitivity both to the Market Street frontage and to public buildings in the Civic Center including the adjacent Federal building which helps frame the plaza; these should provide a reasonable basis for further refinement of a desirable and compatible design through the City approval processes yet to be undergone.

"It is recommended that the Director be authorized to report that the sale of a five- to six foot strip of land, and the sale of an easement for light, air and pedestrian access, to permit development of an office building at 1170-72 Market Street, adjacent to the United Nations Plaza and within the Civic Center area, is in conformity with

the Master Plan provided that final building plans be reviewed and determined to be acceptable through the Certificate of Appropriateness and Discretionary Review Processes of the City prior to any development of the property."

Walter H. Caplan, an attorney and owner of the property at One United Nations Plaza, immediately adjacent on the west of the subject property, addressed the Commission and spoke in opposition to the proposals, although he was not opposed to the concept of an appropriate building on the site. He said that he learned of the hearing only two hours before it was to begin. His opposition was to the removal of 1200 square feet of open space planted with grass on the United Nations Plaza which would be the result of the sale of the 23-foot wide easement. This would impair the integrity of the open space of the plaza.

Charles Gill, City Planning Coordinator and head of the major project review staff of the Department, responded to questions concerning the proposals from members of the Commission.

Mr. Caplan continued by saying that there already was a wind problem at the corner and that the proposed 7-story building would cast additional shadows on the plaza. He described his building as a classic zig-zag 1920 moderne building which he has restored and which is a significant part of the character of the proposed Civic Center Historic District. It was designed in 1924 by Dusselderfer; the new building would block an important view of his building, if built to the corner. He wanted any new building set back to preserve the grassy open space and he proposed that there be more review of the project.

Commissioner Bierman asked whether the staff had considered the set back that Mr. Caplan had referred to. Mr. Steele responded that the staff had considered it and in its view the sale of the easement would allow a smoother transition and design most appropriate for this site on the plaza. Mr. Gill added that the proposal would allow for a building that would match up with Mr. Caplan's adjacent existing building.

John Toland, speaking on behalf of the project and the developer noted that Bernard Averbuch of the Market Street Development Project, Inc., Mr. Mardikian, the owner, and Mr. Omatsu, the architect, were present and would be willing to answer questions from the Commission. He said that the problem of hiding the blank side of the Orpheum Building had been a problem when he was a member of the Mayor's Market Street Committee. He said that Mr. Mardikian wanted to have

a restaurant on the second floor of the proposed building which would overlook the plaza and fountain. He noted the design had been developed in consultation with the staff of the Department and that the 23- foot strip was necessary to the design. He noted that discussion of the property value was in progress with Mr. Wortman, the Director of Property, and that design questions would continue to be discussed as the case came before the Landmarks Board, the Art Commission and again before the City Planning Commission as a discretionary review matter. He concluded by thanking the staff for its cooperation.

Rai Y. Okamoto, the Director of Planning, said that he wanted to underscore that the final permits were not being approved at this time and that work on final plans would continue with the applicant.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Wentz, and carried unanimously that the Director be authorized to report that the sale of property and easement for pedestrian access, light and air at United Nations Plaza for construction of an office building at 1170-1172 Market Street is in conformity with the Master Plan provided the final plans be reviewed and determined to be acceptable through the Certificate of Appropriateness and Discretionary Review processes of the City prior to any development on the property.

EE74.286 - POST AND POWELL STREETS, NORTHEAST CORNER; LOT 7 IN ASSESSOR'S BLOCK 295. PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR SAKS FIFTH AVENUE RETAIL STORE; CONSTRUCTION OF MULTI-LEVEL STORE WITH 5 FLOORS ABOVE GRADE AND ONE FLOOR BELOW OF RETAIL AND OFFICE SPACE (FITZHUGH BUILDING DEMOLITION) .

Robert W. Fassmore, Planner V (Zoning), summarized the draft environmental impact report which had been prepared by the staff of the Department of City Planning for the project. He noted that Dr. Selina Bendix, the Environmental Review Officer, was present to answer any questions concerning the document in the absence of Douglas Holmen, Planner II, who had prepared the report. Dr. Bendix described the EIR procedure at the request of President Rosenblatt for the audience including James A. Ludwig, Vice-President and General Manager of Saks Fifth Avenue; Bradford Paul, representing the National Trust for Historic Preservation; Robert Berner, representing the Foundation for San Francisco's Architectural Heritage; Randolph Delahanty, architectural historian for the Foundation for San Francisco's Architectural Heritage; Bruce Judd, architect and

member of the Parapet Task Force, the Northern California Chapter of the A.I.A. Codes Committee and historic preservation officer of the Chapter; Steven Tabor, Chairman of the Legislative Committee for Californians for Preservation Action; Felix Warburg, architect and city planner; Nan Roth, architect and planner; Ken Richardson, representing the Goodman Group; Hans Kreutzberg, representing the office of Historic Preservation of the California Resources Agency; Harold Major, background in architecture and preservation; and Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board.

During the course of the hearing, at 3:50 p.m., Commissioner Elliott absented himself from the room for the remainder of the meeting.

At the conclusion of the testimony from the audience on the draft EIR the members of the Commission discussed with Mr. Steele and Marc Monheimer, Attorney representing Saks Fifth Avenue, the various alternative actions the Commission could take. After several motions to continue the public hearing were made, seconded and withdrawn, Commissioner Wentz moved, Commissioner Nakashima seconded, and the Commission passed with a vote of 5-1, that the public hearing on this matter be closed; the Commission stated its intention to receive additional comments concerning the matter if any are offered at the meeting during which they consider certification of a final EIR. Voting "Aye" on the motion were Commissioners Bierman, Dearman, Nakashima, Rosenblatt and Wentz; voting "No" on the motion was Commissioner Starbuck.

A standard tape cassette recording and a transcription of a stenographic record of the proceedings are available in the files of the Department of City Planning for public listening, reading or transcription.

RS77.23 - PUBLIC HEARING ON A TENTATIVE MAP FOR THE CONDOMINIUM SUBDIVISION INTO 396 UNITS OF BUILDINGS IN DIAMOND HEIGHTS VILLAGE (RED ROCK HILL), AT RED ROCK WAY, BOUNDED BY DUNCAN STREET AND DIAMOND HEIGHTS BOULEVARD.

(CONTINUED FROM JOINT MEETING OF OCTOBER 13, 1977)
(THE PUBLIC HEARING OF THE DIRECTOR OF PUBLIC WORKS WAS HELD AND CLOSED OCTOBER 13, 1977).

Alec Bash, City Planning Coordinator, introduced this case to the Commission, noting that the representative of the Director of Public Works had closed the Public Works public hearing on the matter at the previous joint hearing October 13, 1977. He presented

to the Commission and explained the case report and the post card survey of tenants; 146 tenants favored conversion and 92 opposed it, with 16 having no opinion and 100 not responding. He said that the Department had written to the State but had not received a formal response, noting that San Francisco was unique in requiring under its Subdivision Code that in condominium conversions in projects with 50 or more units that approval of 35% of the tenants was required. He added that he was informally told by State authorities that the rights of tenants should be protected.

Mr. Bash reported that in Planning Area 7 there were 19,400 dwelling units of which 6,700 were owner occupied. As of March, 1977 there were 259 condominium units in the area; some condominium units had been approved in the Redevelopment Project Area since March. He added that he had consulted informally with the agency and they said they were not concerned about this project. The Human Rights Commission had written to the agency about its concerns.

Mr. Bash discussed the rental data, saying that rents were based on certain assumptions of the developers and that the department was using the rent roll of September 15, 1977 to determine whether low or moderate income units were involved. He said that at the last public hearing the applicant offered benefits to the tenants interested in purchasing and remaining in the village. Also, all leases would be honored to term and if a tenant was interested in remaining beyond the lease term they would given a 5-year guarantee. Moving expenses would be reimbursed up to the amount of \$350.00. Tenants who wanted to purchase would receive an \$8,500.00 discount, which in many cases would mean that no down payment would be needed. The applicant agreed to provide financing up to 90% for tenants who were qualified. Mr. Bash showed a map with all condominium projects in the City noted.

Commissioner Bierman asked about the present vacancy factor in Diamond Heights Village. Mr. Bash answered that in 1973 it was 1.3% but he didn't know the present one, although there were apparently 50 vacancies in the village now, more than 10%. Commissioner Bierman thought that since the developer bought the project in order to convert it, he hadn't made efforts to rent, or hadn't maintained some units, although she said there was a "for rent" sign on the main sign for the village. A woman in the audience said that there had been a large ad in the Sunday paper recently for rentals there.

Commissioner Dearman asked about the legal responsibilities of the Commission in this matter and how this was affected by the Redevelopment Plan for Diamond Heights. Mr. Bash said that the plan showed the site as multi-unit residential but it didn't distinguish

between rental and condominium ownership, just as the City Planning Code didn't distinguish how units were held. He said the agency hadn't taken a formal position but their staff had said that conversion might serve to bring middle income people back to the City. He noted that there were 92 studios and 35 one-bedroom units in the project which were at the upper limit of the moderate income housing range. The Commission could propose a maximum limit on sales prices for such units so that they would remain available to moderate income people who want to purchase.

Commissioner Dearman felt that if the conversion were approved and a two-bedroom unit were sold for \$83,000 that the Commission would be contributing to the escalation of housing costs. Mr. Bash said that the Commission had disapproved a conversion at 1990 Green Street after having reviewed and approved many earlier projects. There the plan was to sell two-bedroom units for \$125,000. Commissioner Dearman noted that Green Street had been built as luxury units and this project was different. Mr. Bash said that the original sales prices for Green Street hadn't been higher than others. He said here there were inducements being offered. If there were a maximum sales price for one third of the units this would serve to lower the cost of new housing. The provisions of the Subdivision Code allowed the Commission to set a maximum price.

President Rosenblatt asked whether it had been determined yet if any units were in the bracket necessary for setting a maximum price. Mr. Bash answered in the affirmative and said that 92 studios and 35 one-bedroom units renting for between \$295 and \$340 qualified. He added that using the formula of $2\frac{1}{2}$ times income, that for tenants, studios would sell for \$40,000 and one-bedroom units would sell for \$46,000. To the public the offer would be \$44,000 and \$56,000. Deducting the \$8,500 discount, the actual cost would be \$35,500 to \$48,500 to tenants. The ranges for one-bedroom units with one bath would be \$55,000 to \$73,000, minus the discount. President Rosenblatt said that the applicant hadn't any objections to these prices. Commissioner Wentz asked whether these prices were set out in the draft resolution prepared by the Department and Mr. Bash answered in the affirmative.

Commissioner Starbuck asked if there were any impediments to the proposal to set maximum prices and to hold any public offering until May 15, 1978. He asked if it was purely a voluntary commitment and Mr. Bash answered in the affirmative and he added that the offering to the tenants would be made two weeks after the applicant receives City approval. He noted that final City approval usually occurs two months after the public hearing before the Commission.

William Carter, a resident at 1540 Diamond Heights Boulevard, said the neighborhood was an integrated total community with mostly individual homes, a high school with problems, a shopping center, low and moderate income housing and beautiful homes. The area was caves when he was a child. He pays \$780 for a unit and this action would drive him away. The neighborhood is planned and there aren't many rental units in the area. Most dwelling units are already owned. The Subdivision Code expresses a concern with the absence of rental units in the City and here there are 400 rental units. He then read a portion of the Subdivision Code to the Commission. He concluded by asking whether he would have to move to Concord.

Commissioner Bierman asked if there were other units in Diamond Heights. Mr. Carter said that there was a vacancy problem. He had lived three and a half years in the same apartment and he didn't want to move, although there were some vacancies in the area.

Jim Jacklich, a resident at 5160 Diamond Heights Boulevard living in the area four years, asked whether it was a requirement that at least 35% of tenants must approve of conversion before it could be legally justified. Mr. Passmore answered that that was the case and that City agencies could recommend disapproval of the subdivision even if 35% of the tenants or more approved of it. Mr. Jacklich continued that he thought rents are designed to assure for middle income people without too much pain and anguish. In his view conversion would mean that only upper middle and upper income people could afford the area.

Betsy Henley-Cohn, a resident at 970 Duncan Street and the representative of a neighborhood group, said she had no official position to represent. At the last hearing there hadn't been enough information available but now enough had been provided. The applicant had been available eight evenings and anyone could get questions answered. She said a second survey of tenants had shown 140 were in favor and 90 were opposed and those in favor were very much in favor. She said she knew some of those opposed and they probably prefer renting because they can't afford to buy. In her view many tenants could afford to buy because of the discount being offered. She said no decision could make everyone happy. Some houses in the area are being sold for \$80,000 now and she saw units for sale for half the size and a third more money than proposed here. She noted tenants were transient and apartments turned over every eight to ten months. The newer people were against conversion and the longer residents were for conversion. She said people move into the village as a trial to see if they like the City and there are always lots of apartments in Diamond Heights.

Jim Jacklich said that some units were condominium material and others facing the lower garden are not. He said that less attractive units would be resisted by buyers. Mrs. Henley-Cohn said people's needs differed.

Lusty L. Brooks said she was in Washington, D.C. when the post card came, speaking to officials about a nutrition program for poor mothers and she had talked to HUD officials. She requested that the project remain rented and she read the following statement:

"Mrs. Brooks had talked to the Assessor who said her apartment would be taxed at \$535 with an assessed valuation of \$16,250. It would cost \$65,000 with the discount. Utilities would cost \$20.00 a month. There would be an assessment, too, for common areas and her total cost would be \$773 a month which is 143% more than she is paying now. The total would be \$9,280 a year instead of the \$3,800 she is presently paying. She said the CORO Foundation had made a survey which showed 52% of San Francisco's make \$10,000 or less and 5% make over \$25,000. She hoped the Commission would not convert the project."

At this point in the proceedings Commissioner Starbuck returned to his seat.

Auriol Bass, attorney for the applicant, said he wanted the Commission to know his client wasn't waiving his right under the State Subdivision Map Act and that he considered the public hearing on this matter over after the testimony was complete on October 13, 1977. Mr. Bash responded that the hearing before the Director of Public Works and the Commission was closed on October 13, 1977. Mr. Bass said that the applicant wouldn't increase rents beyond what was considered reasonable in the Consumers Price Index. Those tenants who wanted to stay as renters could stay as renters for five years.

Commissioner Starbuck asked if this was a commitment to the renters. Mr. Bass said twelve tenants had indicated no desire to buy and want to remain. The applicant had taken pains to assist those who want to remain. No unreasonable rent increases would be imposed during the five years. He said that the cost of a two-bedroom unit would be \$560 a month; these now rent for \$400-525 a month. Possible appreciation wasn't counted but was a benefit. He said Mrs. Brooks was wrong and that the maximum price of a one-bedroom would be \$46,000, less discount. Her three-bedroom at \$400 a month doesn't include consideration for appreciation. Property values are increasing at 5% a year, conservatively, he said.

Commissioner Dearman asked how could the applicant offer an apartment for \$46,000 when this is so much lower than the originally proposed price. Mr. Bass responded that the subdivider was willing to make these concessions. Commissioner Dearman asked if restrictions would be acceptable. Mr. Bass said he was not aware that any units were limited; it was always suggested that 10% be for moderate income. The draft resolution of the staff would designate 130 as moderate income units, one-third of the project. This one-third would get the incentive discount. Commissioner Dearman asked who would decide who qualifies for any low income procedure. Mr. Bash said that what was proposed was a maximum sales price and not an eligibility requirement for purchase.

Mr. Bass said that the Human Rights Commission and the Department of City Planning establish guidelines for low and moderate categories. The applicant would aid agencies in working out procedures and mechanics.

Commissioner Dearman said that this sort of thing had not been done before.

Mr. Passmore said that in the past the Commission had fixed sales prices but hadn't established qualifications for purchase or resale. Commissioner Bierman said that someone could buy at a low price, hold one year and sell at the market price. Mr. Bass said this could be limited by conditions, covenants and restrictions; a purchaser would agree to purchase on condition he or she wouldn't resell within a certain period or some other limitation could be placed on this.

Commissioner Bierman asked if the 146 who approved of the conversion had been told there would be a restriction on resale. Mr. Bass said that restrictions on resale hadn't been discussed yet. Commissioner Bierman asked if they had discussed carefully the matter of qualifications for moderate income people. Mr. Bass said they had stated that tenants could stay who couldn't buy. Mr. Bash added that the Subdivision Code provides that the moderate income housing stock can't be reduced but doesn't establish criteria for eligibility for purchase.

Commissioner Dearman said she felt concerned about how qualifications would be checked.

Mrs. Henley-Cohn said it was news to everyone that these were moderate income units. It wasn't presented to tenants that they could buy a unit for \$46,000.

Commissioner Starbuck asked if the 12 to 15 tenants who wished to remain as renters would be able to negotiate 3 to 5 year leases with any rent increases tied to the Consumer Price Index. Mr. Bass said that this would not be a problem.

Don Hesse, housing representative for the Human Rights Commission, said that the Planning Commission must work out a proper process for condominium conversions because neither the courts nor the Human Rights Commission could do so. He said it was a serious problem today. The Fair Housing Planning Committee in 1973 supported conversions as a means of encouraging integration and providing greater housing opportunity and tax equity. The residents have a stake in the neighborhood. He said Diamond Heights was a well integrated community, which he attributed to the Redevelopment project. An important factor here, he said, was the high rate of turnover. How many would stay to the end of a 5-year lease, he asked. He said the package which had been worked out by the staff and the applicant was very important; it was the best program ever seen in the City with a private developer. He said it would never be any better and that it set a tremendous precedent. After this the City could say to prospective developers that such benefits were economically feasible.

Commissioner Dearman asked who could afford \$800 a month for an apartment. Mr. Hesse said he wanted more analysis; the figures sounded too high. He thought that Mrs. Brooks' figures didn't seem right. Mr. Bash said the figures were alright. Mr. Hesse said he didn't know how the applicant could make a profit, but that was his problem. He added that there were no rules or regulations with the Subdivision Code to help with the remaining units in the project. He asked whether the City intends to allow substantial benefits to others who buy at \$37,000 and sell at \$57,000 after holding briefly, this has to be looked into. He wouldn't want the rich to be able to take advantage of the situation. A difficulty remains with establishing qualifications for buyers. He recommended a condition to discourage speculators, limiting the number of units a person could buy and the minimum length of time a unit must be held. Commissioner Dearman asked if these items were mentioned in the legislation and Mr. Hesse said they were not.

Mr. Bash responded to two points saying that the Commission should not police the price of units over the long term but should limit price initially. As to profits from resale these would go to tenants as well as the developer. Commissioner Dearman said this wasn't wrong, though it would add to speculation. Rentals would keep going up as a result.

Mr. Bash said that the last post card survey was three to two in favor of conversion. He noted that 92 studio units were determined to be in the moderate income housing stock. Mr. Bash read the conditions in the draft resolution prepared by the staff as the Director's recommendation for the Commission's finding that the proposal was consistent with the Master Plan.

After discussion Commissioner Bierman moved that the Commission find that the application was not consistent with the Master Plan and that the Director's recommendation and the draft resolution be disapproved. She said she based her motion on the policy stated in the Residence Element of the Master Plan which calls for insuring the availability of quality rental housing. She felt the Commission has a responsibility to renters and to people who come to the City. She said it breaks her heart to see such a big project converted because it was intended for renting in the Redevelopment Plan, and it was so well integrated because it was rental housing. Rents have gone crazy and wage increases are not keeping up at all.

Mr. Bash said, as a point of information, that the Redevelopment Agency didn't distinguish between rental and ownership in its original plan, and it thought that conversion would bring the middle class back to the City. Commissioner Bierman said they may be wrong.

Commissioner Nakashima seconded the motion. He said conversion would not be in the best interests of the City, especially for the Diamond Heights Community.

Commissioner Wentz said he would vote against the motion and he added that the Residence Element called for increasing home ownership opportunities which would result from conversion in this case. Mr. Bash said that the housing staff of the Department thought that conversion would reduce the amount of speculation.

Commissioner Bierman said she was concerned with what makes people move and she would go with conversion if conditions could be enforced indefinitely, but she knew that they couldn't control prices forever.

Mr. Bass said the applicant would be willing to put CCR's on the units sold as moderate income stock which would insure that costs and prices would be controlled for a period of years. Commissioner Bierman said that the project was too big to be taken out of the rental housing market.

Mr. Bass said the applicant subdivider considered the action of the Commission invalid because the provisions of the State Subdivision Map Act and the City Subdivision Ordinance as to time limits on City action had been violated. No extension of the review period had been requested by the Department of Public Works, nor been accepted by the applicant.

Mr. Passmore said that the Department of City Planning had requested a one month extension and the Department of Public Works had requested it and the applicant had given it. However, the Department of City Planning had requested a second extension and had assumed it too had been requested and acted upon and apparently this hadn't been the case.

Mr. Bass said that no second extension of time had been requested of the applicant and therefore the present action of the Commission was invalid, since it occurred after the legal review period provided for by the ordinance.

After discussion the Commission voted 3-3 on the motion and the application was deemed not consistent with the Master Plan, the action being passed as City Planning Commission Resolution No. 7834. Voting for consistency with the Master Plan were Commissioners Rosenblatt, Starbuck and Wentz; voting against consistency with the Master Plan were Commissioners Bierman, Dearman and Nakashima. Commissioner Elliott was absent from the meeting.

Under the Rules and Regulations of the City Planning Commission a tie vote on any matter is deemed a disapproval of the application before them; in this case a finding of not consistent with the Master Plan is considered the same as disapproval.

At this point in the proceedings Commissioner Dearman left the meeting.

EE77.100 - PUBLIC HEARING ON A DRAFT ENVIRONMENTAL IMPACT
RE: RT FOR THE COMMERCE AND INDUSTRY ELEMENT
OF THE CITY'S COMPREHENSIVE PLAN.

President Rosenblatt asked if anyone in the audience wished to respond to this item. No one responded.

Commissioner Wentz moved, Commissioner Nakashima seconded, and it passed unanimously that the public hearing on this item was closed.

Dr. Selina Bendix, the Environmental Review Officer, read a letter to the Commission which had been received by the Department from the Bay Area Air Pollution Control District regarding their concerns as follows:

"We are concerned that the traffic and related air quality implications associated with this important policy document are not adequately considered in this EIR.

"It is admittedly difficult to address the quantitative impacts of generalized policies. However, it is our experience that the general plan level of specificity is amenable to evaluation of regional-scale air quality impacts. The BAAPCD had commented on a number of EIR's and air quality analyses of individual high-rise office building projects in San Francisco, both informally (by telephone), and by letter. We repeatedly expressed concern that the cumulative air quality impacts associated with intense high-rise office building development were being over-looked. We were assured by San Francisco planning staff that although the individual building EIR's did not consider cumulative air quality impacts, that the EIR on the Commerce and Industry Element would include an adequate air quality impact analysis. However, this EIR states (p.4) that 'A worst case estimate of maximum Industry zoning study is completed.' It is unclear whether there will be another EIR on that zoning study, including an adequate air quality analysis. This situation should be clarified.

"The EIR correctly states that the growth inducing aspect of the project will result in 'increasing commute trips with accompanying traffic, energy consumption, and air pollution impacts' (p.13). It is also observed that over-burdened transit facilities 'could be a deterrent to transit use' (p.5). The air quality impacts associated with these possible effects of the policies in this element should be more thoroughly considered, in order that the public and decision makers can be well-informed of the air quality implications associated with the element."

President Rosenblatt said that any additional comments from the public would be welcomed by the Commission at the future meetings at which certification of the EIR would be considered.

Dr. Bendix noted there was much work for the staff to do on the document and that it would be ready as a final EIR in several months.

EE76.320 - PUBLIC HEARING TO RECEIVE COMMENTS ON AN ENVIRONMENTAL EVALUATION, A NEGATIVE DECLARATION ISSUED BY THE DEPARTMENT OF CITY PLANNING, AND A DETERMINATION THAT A MATTER WAS IN CONFORMITY WITH THE MASTER PLAN FOR AN ENCROACHMENT ON CITY-OWNED EASEMENT FOR VEHICULAR ACCESS TO SERVE NEW DWELLING ON BRET HARTE TERRACE.
(HEARING REQUESTED BY STREETS AND TRANSPORTATION COMMITTEE OF THE BOARD OF SUPERVISORS.)

Mr. Passmore said that all the parties had requested that this matter be postponed to the meeting of December 1, 1977 and that it should be so calendared.

The Commission unanimously agreed to postpone the matter as requested by concerned parties.

ZM76.12 - 400 WEST PORTAL AVENUE, NORTHWEST CORNER ST. FRANCIS BOULEVARD; PROPERTY BOUNDED BY 19TH AVENUE ON THE WEST, WAWONA STREET ON THE NORTH, 15TH AVENUE ON THE EAST AND THE SCOTTISH RITE MEMORIAL BUILDING ON THE SOUTH. CHANGE IN DESIGNATION OF SUBJECT PROPERTY ON SHEET 12 OF THE AMENDED PROPOSED RESIDENTIAL ZONING MAPS INITIATED MAY 20, 1976, BY THE CITY PLANNING COMMISSION, FROM I TO RH-2.

Mr. Passmore explained that this was a minor companion matter that was part of the project approved the week before as Resolution No. 7841 which authorized the construction of an 84-unit condominium development in two buildings over a garage structure on the site of the flower beds behind the Scottish Rites Temple on 19th Avenue. He said it was necessary to change the Proposed Residential Zoning Maps to allow for the project. He noted that there was no neighborhood opposition to this action which would change the zoning from institutional to RH-2, two-family residential. The Director's recommendation was for approval and the Commission had before them a draft resolution which Mr. Passmore summarized.

President Rosenblatt asked if there was anyone present who wanted to speak on this matter. No one was present to speak on the matter.

After discussion Commissioner Starbuck moved, Commissioner Nakashima seconded, and the Commission unanimously adopted the draft resolution as City Planning Commission Resolution No. 7844 and approved the change in Sheet 12 of the Proposed Residential Zoning Maps as to the subject property from I to RH-2.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Robert W. Feldman
Acting Secretary

MAY 13 1978

SAN FRANCISCO
CITY PLANNING COMMISSION

DIRECTOR'S DEPT.
SECRET

Minutes of the Regular Meeting held Thursday, November 17, 1977.

The City Planning Commission met pursuant to notice on Thursday, November 17, 1977 at 12:00 noon, in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, George Carey, Virgil L. Elliott, Yoshio Nakashima, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning; Audrey Owen, Administrative Assistant; Lou Blazej, Planner IV; David Kim, Staff Assistant II; Marie Zeller, Planner III; Doug Holmen, Planner II; Charles Gill, City Planning Coordinator; Lynn E. Pio, Secretary; and Xandra Malandra, Acting Secretary.

Jerry Adams represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:00 - FIELD TRIP

Commissioners Bierman, Dearman and Starbuck, members of the City Planning Commission and staff departed from 100 Larkin Street at 12:00 noon to take a field trip.

CURRENT MATTERS

R. Spencer Steele, Acting Director of Planning, asked the Commission to consider the Resolution No. 7845, honoring Lynn E. Pio, Secretary of the City Planning Commission, who is resigning after 14 years of service. It was then moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously to approve the resolution and to read it later when Lynn was expected to be present. It contained the following resolved clauses:

"BE IT FURTHER RESOLVED, That the City Planning Commission and the Department of City Planning, in deepest friendship and respect, express to him their highest regard and sincerest appreciation for his great contributions, his guidance and his counsel; and

"BE IT FURTHER RESOLVED, That the Commission and the Department hereby extend to Lynn Pio their best wishes for every success in his new position and in all his future endeavors."

CONSIDERATION OF DRAFT RESOLUTION ASKING THE MAYOR, BOARD OF SUPERVISORS, REDEVELOPMENT AGENCY AND PLANNING DEPARTMENT TO CAREFULLY CONSIDER THE PROPOSED BUILDING HEIGHT AND THE PUBLIC USES ASSOCIATED WITH DEVELOPMENT OF FOUR EMBARCADERO TO ASSURE THE BEST POSSIBLE PROJECT.

Commissioner Starbuck stated that this project is approaching the building phase and that this resolution would keep it on a current basis. He moved for adoption and Commissioner Bierman seconded the motion.

Commissioner Elliott stated that the resolution was not in the Commission's legal province, that concessions should be made between the Redevelopment Agency and the developer. After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried 5 to 2, that Resolution No. 7778 be adopted with the following resolved clauses: (Commissioners Bierman, Dearman, Nakashima, Rosenblatt and Starbuck voted "Aye"; Commissioners Elliott and Carey voted "No").

"THEREFORE BE IT RESOLVED, That the City Planning Commission reiterates its opinion as to the development of Four Embarcadero Center as expressed in Resolution No. 7723 of May 12, 1977; and

"BE IT FURTHER RESOLVED, That the Commission hereby calls to the attention of the Mayor, Board of Supervisors and the Redevelopment Agency of San Francisco the need for careful consideration of the proposed development of the subject project, and urges those officials to do everything within their power to assure the best possible development of Four Embarcadero Center;

"AND BE IT FURTHER RESOLVED, That the Commission requests the Director of Planning to pursue this matter at the appropriate agencies and forums."

R. Spencer Steele, Acting Director of Planning, introduced a new staff member, James Miller, who will be working in the Transportation Section of the Department.

2:45 P.M.

PRESENTATION AND CONSIDERATION OF ENDORSEMENT OF THE THIRD STREET COMMERCIAL IMPROVEMENT PLAN.

David Kim, Staff Assistant II, presented the Third Street Improvement Plan. Mr. L. P. Lewis, Deputy Director of Bay View Hunters Point Non-Prifit Community Development Corporation, described the improvements to the Private Sector which are proposed in the Plan and urged the Commission to approve the project. Mr. John Cane, economic planner for Bay View Hunters Point, related the improvements proposed, based on his studies in the Third Street Improvement Plan. David Kim then talked about improvements proposed for the Public Sector in the Plan and Mr. Obria Boyd, President of the Bay View Merchants Association expressed his support for an endorsement of the Plan and submitted the following letter:

"I am Obria Boyd, President of the Third Street Merchant's Association.

"I am here to ask you on behalf of the Third Street Merchants to support and endorse our program, the 'Third Street Commercial Improvement Program'.

"Third Street improvement is long overdue. A majority of the merchants have been operating businesses for an average of 18 years on Third Street. We constitute an important element of the community. We have gone through various problems and crises with the community and our businesses have suffered from them. But we still remain, partly because there is no place to go and partly because we have a strong attachment to the community. In fact, we share the hope for the future and the potential of the community.

"Nevertheless, we have been continuously ignored and forgotten from the community planning process. A bulk of federal monies have been channeled into this community through various projects, but we have never been beneficiaries of these efforts. On the contrary, the truth or irony is that most of these projects have negatively affected the Third Street Merchants.

"Now, we have brought our own program before you. This program is the first and the only program initiated and developed by and for the Third Street Merchants.

"We believe that the program is well thought out and comprehensive by any standards. Various needs and problems are thoroughly defined, well articulated, and prioritized.

"Through this planning process, some significant achievements have already been made, three (3) important ones are listed below:

- "1) We began to have a clear picture as to what the problems are and how they affect our business operation;
- "2) We unified our efforts to put the program together which has further contributed to consolidating the Third Street Merchants' Association and,
- "3) We have become more aware of the need for stronger community relations.

"We consider this program as a beginning step toward the overall improvement of the business climate on Third Street. We realize the difficulties confronting us, but we are convinced that we can be successful with continuous support from the City.

"We know what we ought to do to help ourselves and we strongly request the City to commit itself to our cause and to fulfill its commitments in a timely and effective manner to complement our voluntary effort.

"Finally, we owe our sincere appreciation to the professional staff of the Bayview Hunters Point Non-Profit Community Development Corporation and the Department of City Planning. Their keen sense of perception and persistence made this whole thing possible.

"Thank you."

A letter to the Commission from Alonzo Lewis was submitted in support of the Plan and read as follows:

"This letter is sent to the San Francisco City Planning Department, on behalf of the Bayview Merchants Association, Incorporated, to acknowledge to you department our unanimous support of the Bayview Hunters Point Community Development Corporation's, Third Street Commercial Improvement Program. We as merchants are in full

accord with the proposal as planned and solicit the City Planning Department every efforts to help in guaranteeing the Bayview Merchants' Association the opportunity to participate in the Third Street Commercial Improvement Program.

"We anxiously await your continued support."

Commissioner Bierman said she knew how long Third Street has been neglected. Other Commissioners similarly expressed awareness of neglect in that area of San Francisco.

R. Spencer Steele, Acting Director of Planning, recommended endorsement of the Plan which, if developed as proposed, would require public and private expenditures and efforts but would provide neighborhood service and revenues to the City.

President Rosenblatt asked that a section be added to the resolution mentioning the proposed Commerce and Industry Study for that area as worded below. It was then moved by Commissioner Dearman, seconded by Commissioner Bierman, and passed unanimously to endorse the Third Street Improvement Plan as stated in the following Resolution No. 7847:

"WHEREAS, The Department of City Planning has joined with the Bayview Hunters Point Non-Profit Community Development Corporation in the preparation of a background report and plan for the commercial improvement of Third Street; and

"WHEREAS, This report reviews the existing economic conditions on the Street, and estimates the potential for increased business development to be in the range of \$10 to \$20 million annually; and

"WHEREAS, Achieving this potential would be a desirable objective in terms of maintaining a viable neighborhood commercial shopping district to serve the needs of existing area residents; and

"WHEREAS, The plan for achieving this objective calls for both public expenditures to improve the street and public areas, and private expenditures to renovate the upgrade the storefronts to make the area a more desirable place to shop as well as private efforts to improve the business by better marketing, merchandising, security, advertising, management, and community relations techniques; and

"WHEREAS, The plan also calls for efforts to stimulate development of the vacant buildings and lots along Third Street; and

"WHEREAS, The development of the plan and the Third Street Commercial Improvement Program report has been done with the participation and support of the Third Street merchants and other interested neighborhood residents and organizations;

"THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission does hereby endorse the Third Street commercial revitalization plan as called for in the Third Street Commercial Improvement Program; A Proposal report, and urges all relevant agencies and parties to vigorously pursue the actions called for to implement the Plan."

PRESENTATION OF DAY VIEW INDUSTRIAL TRIANGLE REPORT AND CONSIDERATION OF DRAFT RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO EXPAND THE REDEVELOPMENT SURVEY AREA TO INCLUDE THE INDUSTRIAL AREA UP TO PHELPS STREET BETWEEN EVANS AND JERROLD AVENUES.

The Commissioners were given copies of the Bayview Industrial Triangle Rehabilitation Preliminary Report and a letter from 17 residents of that area to the Board of Supervisors asking that their area be included by amendment in the previously designated Bayview-North Survey Area of the Redevelopment Agency, the letter read as follows:

"We, the undersigned, are residents, industrial operators, and land owners of a several-block area in Bayview district. In 1975, you allocated funds to study the feasibility of a residential redevelopment/rehabilitation project within this district.

"Last year, you designated a portion of this district as a Survey Area in accordance with Section 33311 of the California Community Redevelopment Law so that further studies could be undertaken to determine if a redevelopment/rehabilitation project was feasible. This area is now called Bayview-North.

"Our area is primarily industrial and is adjacent to the area previously designated. Activities include heavy manufacturing, warehousing, and processing. A few homes are in the area, plus several parcels of vacant land.

"Although most of our businesses are sound, the area is extremely unattractive and several businesses have recently moved out of the area.

"We are requesting that you amend you previous action to include our area as part of the previously designated Bayview-North Survey Area. We make this request for the following reasons:

- "1. The area contains vacant parcels, some of which are not capable of development without public action. Many of these lots are littered with debris.
- "2. In many cases, our structures are old and in need of refurbishing. The general run-down condition of these structures together with the trash on the vacant lots and lack of public improvements are constraints to new investment.
- "3. Public action is needed to remove noxious or incompatible uses, install sidewalks, street trees, and other needed public improvements, and aggressively market the vacant land.

"We would be agreeable to making new investments in our properties in conjunction with public action to improve the area so that new industries would be attracted.

"Your favorable consideration of this request is appreciated greatly."

David Kim, Staff Assistant II, presented this report which he stated proposes rehabilitation, development of vacant lots, public improvements and control of open yard uses.

Lou Blazej, Planner IV, gave the Department's recommendation to expand the Redevelopment Area west of Third Street, as proposed, and to conduct a more detailed study. Commissioner Bierman moved to endorse the recommendation and Commissioner Starbuck seconded the motion which passed unanimously as worded in the following Resolution No. 7848:

"WHEREAS, The Department of City Planning has joined with the San Francisco Redevelopment Agency in the preparation of a background report on the potential industrial

improvement of the Bayview Industrial Triangle; and

"WHEREAS, This report reviews the existing economic conditions of the area, and estimates the potential for increased employment to be in the range of 60 to 100 jobs and tax increases to be substantial; and

"WHEREAS, The improvements and benefits can be attained with very cost effective means; and

"WHEREAS, The development of vacant lots as called for in the plan would rid of visible physical blight in the area and enhance the livability of the neighborhood; and

"WHEREAS, The rehabilitation of and financial and technical assistance to existing firms called for in the plan would improve the viability of these firms; and

"WHEREAS, Joint security measures would significantly reduce crime and thus increase the attractiveness of the area; and

"WHEREAS, Limited public expenditures to improve the streets and other public areas, the private expenditures to renovate and upgrade the buildings and operations would enhance the economic development potential of the area; and

"WHEREAS, The background study has been prepared with the participation and support of the businesses in the area and other interested neighborhood residents and organizations; and

"WHEREAS, The area shown as Existing Survey Area in the attached map has been designated a survey area by Board of Supervisors Resolution #604-76; and

"WHEREAS, It would be appropriate to expand that survey area to determine if a redevelopment project within the Industrial Triangle area would be feasible;

"THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission does hereby request the Board of Supervisors to expand the Bayview North Redevelopment Survey Area to include the area shown as proposed additions to Survey Area in the attached map."

CONSIDERATION OF MEMORANDUM FROM THE DIRECTOR OF PLANNING
CONCERNING ALCATRAZ ISLAND, A SITE IN THE GOLDEN GATE
NATIONAL RECREATION AREA.

Marie Zeller, Planner III, presented a memorandum to the Planning Commission from Rai Y. Okamoto, Director of Planning, concerning the GGNRA Alternatives for Alcatraz. Recommended in the memo are the following:

- " - That the island be kept basically like it is now;
- " - That the historic and cultural structures be strengthened and rehabilitated;
- " - That the rubble be removed; and,
- " - That the public tours be continued.

"The recommendation for San Francisco sites related to access to Alcatraz are the following:

- " - That any relocation of the ferry landing to Fort Mason or any other San Francisco site be thoroughly investigated; and,
- " - That the impacts of a major parking facility also be thoroughly investigated."

Marie Zeller asked the Commission to endorse these recommendations so that they can be presented to the GGNRA Board on Saturday. She asked if any of the Commissioners would like to testify, as she will not be able to attend their meeting. No Commissioners could attend; however, Acting Director R. Spencer Steele promised that someone on the Department of City Planning staff would be sent.

President Rosenblatt proposed another alternative to retain the Island as an open space and recreational facility representing the uplifting aspects of the human condition rather than its degradation. He opposed the idea of maintenance of the cell blocks for any purpose.

Commissioner Dearman stated that the prison ruins serve as a lesson and reminder that we still haven't solved the prison problem. She would like best, however, to see it just open space, like Angel Island, with no commercial development.

Commissioner Bierman moved to endorse, was seconded by Commissioner Dearman; and passed 6-1 (Rosenblatt dissenting).

R77.30 - REVOCABLE ENCROACHMENT PERMIT FOR LANDSCAPED PLAZA ON WILLOW STREET BETWEEN GOUGH AND FRANKLIN STREETS. (CONTINUED FROM MEETINGS OF JULY 28 AND SEPTEMBER 29, 1977, AND TO BE CONTINUED INDEFINITELY AT REQUEST OF PROJECT SPONSOR)

R. Spencer Steele, Acting Director reiterated the recommendation to continue this item; R77.30, indefinitely. Commissioner Carey moved to continue, seconded by Commissioner Elliott. The motion passed unanimously.

EE77.217 - PUBLIC HEARING ON AN APPEAL OF A DETERMINATION THAT AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED BY THE DEPARTMENT OF CITY PLANNING FOR OPERATION OF A HELIPORT ON PIER 46A.

R. Spencer Steele, Acting Director, reported that Dean Hanson, developer of the proposed heliport, requested that this hearing be continued until January 12. He added that it may be necessary to delay it further as calendars are quite full for January.

Commissioner Bierman moved that the hearing on this item be postponed to January 12. Commissioner Elliott seconded the motion which passed unanimously.

CURRENT MATTERS - CONTINUED - DIRECTOR'S REPORT

R. Spencer Steele, Acting Director of Planning, stated that no meeting was scheduled for next Thursday, November 24, 1977, Thanksgiving Day.

The Acting Director of Planning also reported that the Landmarks Board and the Planning Commission will be scheduling a joint closed meeting in the near future. The Commissioners were asked to pick a convenient date and tentatively selected December 8, 1977 at 11:00 a.m.

R. Spencer Steele announced that the Department staff plans to present a study on the effects of condominium conversions in San Francisco at the December 15, 1977 meeting. He then informed the Commission of the City Attorney's action which permitted the Diamond Heights subdivision to proceed against the recommendation of the Commission.

Commissioner Bierman asked if the Commission had been overruled. R. Spencer Steele replied that it was determined that the Commission did not have jurisdiction because it did not act within a required number of days of the application to subdivide.

Further discussion revealed that the staff had not been aware of any problem. Commissioner Bierman expressed her dissatisfaction with the results, and President Rosenblatt pointed to the need for a better subdivision ordinance.

Commissioner Starbuck stated that the Planning and Housing Development Committee is considering amending the legislation which requires 35% approval for buildings with 50 units or more to be changed to apply only to buildings (or subdivision) of 1000 units or more. Commissioner Bierman asked if the Commission could recommend the number of units to remain at 50.

After further discussion on this matter, Commissioner Starbuck moved to ask the Director of Planning to correspond with the Planning and Housing Development Committee requesting that the amending legislation be kept on calendar through December. Commissioner Bierman seconded the motion which passed unanimously.

R. Spencer Steele, Acting Director of Planning, announced that there will be a hearing on Resale Inspection on November 22, 1977, at 2:30 p.m. at the Lurie Room on the first floor of the Main Library.

Commissioner Starbuck asked whether the building code has been changed to require smaller toilet tanks on new construction. He asked that the staff check on this. He also observed that the Planning and Housing Development Committee has been taking testimony from Quentin Kopp's assistant and the City Attorney on the Residential Zoning Study. He asked that the staff check on this also.

Lou Blazej, Planner IV, reported on a meeting on November 15, 1977, with a group of Potrero Hill residents who wish to have the Wisconsin Site, designated for housing by a resolution of the Board of Supervisors in 1969, made available for neighborhood open space.

President Rosenblatt read a letter from Leo T. McCarthy, Speaker of the California Assembly containing constructive comments and commendations about the assistance Selina Bendix provided his staff:

"I would like to call to your attention the assistance which Dr. Selina Bendix provided to me at this year's session of the Legislature. My staff consulted frequently with Dr. Bendix in connection with Assembly Bill 884 -- the measure to speed up and generally expedite governmental permit procedures. Through her participation, we were able to obtain clear and accurate insight into the manner in which the proposed legislation would impact the daily procedures of local government.

"Throughout the bill's passage, Dr. Bendix's comments were continually constructive and were most helpful to me. I appreciate her contribution."

At 4:50 p.m. the meeting recessed, and at 5:00 p.m. it reconvened. Commissioner Elliott left the meeting room and did not return.

PUBLIC HEARING ON THE BUDGET AND WORK PROGRAM OF THE DEPARTMENT OF CITY PLANNING FOR 1978-1979 FISCAL YEAR.

Lynn Pio, Administrative Secretary, discussed the work program the staff is preparing for fiscal year 1978-79. He is working on the budget. Preliminary drafts should be available in early December. Approval by the Commission will be needed in late December or early January so that the staff can finalize the work program and budget and turn it in to the Controller by January 20, 1978. He also stated that the Mayor's Office has required that the project - oriented format for the budget be used; none will be received otherwise. The timetable is that the recommended budgets will go to the Board of Supervisors in April, 1978, and action will be taken in May, 1978.

Mr. Pio reported that Mrs. Platt of the Landmarks Board would like to request an additional person assigned to do clerical duties for the Landmarks Board. She would like to discuss problems at an executive session.

Mark Forester, executive director of the North of Market Senior Citizens Center, testified that RAP has strengthened his area and that the rent control aspects are working well. He asked that more assistance be given to the Tenderloin RAP area to develop an Urban Design Plan, guidelines, conduct surveys, and build models. He specifically asked that additional staff persons be assigned to develop a neighborhood plan for the North of Market area, similar to the Chinatown Neighborhood Plan, but more detailed. He suggested that the RAP

area be expanded to include all of the North of Market area; from Van Ness to Stockton, and Market to Geary or O'Farrell Streets. There are already two persons assigned to that area by RAP and an additional two will be requested from Public Improvement Monies under Community Development or directly from the Department of City Planning.

Audrey Owen, Administrative Assistant, asked if Community Development funding is allocated for a Tenderloin Plan in 1978-79.

Lou Blazej, Planner IV, replied that it has been, but not in the amounts needed for a Plan such as Mr. Forester described.

William S. Clark, of the Cow Hollow Improvement Association, thanked the Department of City Planning staff for their cooperation which his group appreciated greatly. He stated that their greatest problem is enforcement of zoning violations. He said his group will pressure the Board of Supervisors to increase the funds for this budget item.

President Rosenblatt asked that the request to increase budget monies be taken by the Cow Hollow Association to other groups and the coalition of neighborhoods as well as the Board of Supervisors and the Mayor's Office.

R. Spencer Steele, Acting Director of Planning, informed the Commission that the Department is asking for additional enforcement staff persons. He stated that the funds generally are cut in the Mayor's Office before they even reach the Board of Supervisors.

Stan Hertzstein, Vice-President of the Nob Hill Neighbors said that the Department has been supportive. He also stated that his group would write to the Mayor's Office and the Board of Supervisors to help the Department obtain full funding for the programs in need. He asked about the timing for communicating with the Mayor's Office, Board of Supervisors and others.

President Rosenblatt answered that communications to the Mayor's Office should be in late January. He listed the following sections of the Department of City Planning as in need of additional staff: Project Review, Environmental Review, Permit Processing, Enforcement, Commerce and Industry, Housing, Neighborhood Planning. He added that the clerical problem may not be solved yet either, but was assured by Lynn Pio that clerical problems have been greatly improved.

President Rosenblatt announced that the resolution for Lynn Pio, approved earlier, would be delivered shortly in appropriate calligraphed form. He read the resolution aloud and presented it to Lynn Pio.

The meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Xandra Malandra
Acting Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION
SUMMARY AND MINUTES

OF THE
SPECIAL MEETING
HELD

TUESDAY, NOVEMBER 29, 1977
ROOM 282, City Hall
7:30 P.M.

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DOCUMENTS
P. 101 1000

The City Planning Commission met pursuant to notice on Tuesday, November 29, 1977, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Commissioners Bierman, Carey, Elliott, Nakashima, Rosenblatt, Starbuck.

ABSENT: Commissioner Dearman

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning and Zoning Administrator; Robert W. Passmore, Assistant Zoning Administrator (Planner V); Mark Winogrand, Planner II and Director of the Residential Study; Mary Anne Miller, Planner II, Gary Lee, Planner II; Gary Craft, Planner II; and Robert H. Feldman, Planner II and Acting Secretary.

Gerald Adams represented the San Francisco Examiner.

7:30 P.M.

ZM76.12 - PRESENTATION BY THE DEPARTMENT OF CITY PLANNING TO THE CITY PLANNING COMMISSION OF COMPLETED PROPOSALS FOR AMENDING THE ZONING REGULATIONS GOVERNING RESIDENTIAL PROPERTY THROUGHOUT SAN FRANCISCO.

President Rosenblatt called the meeting to order and after a brief discussion with members of the Commission, Department staff and members of the audience, recessed the meeting to allow time to recommence in the Chamber of the Board of Supervisors in order to accommodate the approximately 350 people in attendance.

President Rosenblatt reconvened the meeting at 8:15 p.m. in the Board Chambers and announced that this was a Special Public Meeting of the Commission scheduled in order for the staff of the Department of City Planning to present to the Commission the results of the Residential Zoning Study in the form of proposed residential zoning maps and ordinance text. Although this was not a formal public hearing, he said that the Commission and staff would respond, after the presentation, to questions from the audience concerning the map and text adoption process and other related matters. R. Spencer Steele, Acting Director and Zoning Administrator, indicated that the Department would recommend that no action be taken by the Commission at this meeting.

NOVEMBER 29, 1977

After introduction to the Commission by Mr. Steele, Mark Winogrand, Director of the Residential Zoning Study, and Mary Anne Miller, a member of the Residential Zoning Study staff, made a presentation to the Commission, using slides, of the history of zoning controls in San Francisco, and a summary of the completed proposals for amending the zoning regulations governing residential property throughout San Francisco. These presentations and the materials accompanying them represent the conclusion of the Residential Zoning Study which began in 1974.

Following the staff presentation, Daniel Solomon, Professor of Architecture at the University of California, Berkeley, Department of Architecture, which acted as consultant to the Residential Zoning Study, made a presentation to the Commission of a report entitled "Change Without Loss" which makes certain recommendations concerning the proposed regulations. Mr. Solomon pointed out that the Department staff had accepted some but not all of the consultant's recommendations in the completed proposals. This consultant's report was funded by grants from the National Endowment for the Arts and the San Francisco Foundation.

At 9:30 p.m., President Rosenblatt recessed the meeting for thirty minutes in order to allow the audience to view the revised residential zoning maps posted for that purpose in the corridor outside the chambers.

After reconvening at 10:00 p.m., Mr. Steele, Mr. Winogrand, and Robert Passmore, Assistant Zoning Administrator, answered questions from the audience regarding the presentations and the tentative schedule of hearings on this matter in January, February and March 1978. Mr. Steele indicated that the Department would prepare and present to the Commission on December 8, 1977 a draft Resolution of Intention for initiation of the Proposed Ordinance Text and Maps for Revision of Residential Zoning to make possible public hearings and final action on the matter in 1978. Once initiated, and until final action by the Board of Supervisors, the most restrictive of these controls and existing controls would be imposed on building permit applications, as required by Section 302 of the City Planning Code.

Vincent Walsh, President of the Residential Builders Association, presented the position of the Association and said that in their opinion the administration of these proposed residential zoning regulations under Section 302 of the City Planning Code was beyond the jurisdiction of the Commission and the Department of City Planning and he urged that the Commission and staff seriously consider this problem.

President Rosenblatt then asked if anyone present had further questions. No one responded.

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 1, 1977.

The City Planning Commission met pursuant to notice on Thursday, December 1, 1977, at 1:15 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Yoshio Nakashima; and Charles Starbuck, members of the City Planning Commission. *George Cate*

ABSENT: None.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director; Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator; Richard Gamble, Planner IV; Wayne Rieke, Planner IV; Charles Gill, City Planning Coordinator; Alec Bash, City Planning Coordinator; Wil Hardee, Planner III; Jonathan Twichell, Planner III; Paul Rosetter, Planner II; Floyd Engle, Planner II; and Robert H. Feldman, Planner II and Acting Secretary.

The press was represented by Gerald Adams, San Francisco Examiner; Marshall Kilduff, San Francisco Chronicle; and Dan Borsuk, San Francisco Progress.

CURRENT MATTERS

R. Spencer Steele, Acting Director and Zoning Administrator, indicated that the Department would attempt to have an auditorium sufficiently large to accommodate any anticipated large audience at future Commission meetings. Commissioner Starbuck reported that the Mayor's Office had agreed to provide assistance in this matter.

Mr. Steele announced a meeting of the Citizens Waterfront Committee in the Port Commission room at the Ferry Building at 3:30 p.m. on December 15, 1977, regarding Waterfront development project alternatives. A tentative advance calendar of Commission meetings and public hearings for December, 1977 and January and February, 1978 was presented to the Commission. President Rosenblatt noted that 14 meetings were being scheduled for January and February.

Robert W. Passmore, Planner V (Zoning), reported on recent actions of the Board of Permit Appeals in matters concerning the Department and Commission. He noted that the Board concurred in the Department's action regarding the use of the Convent of the Good Shepherd site by San Francisco Youth Campus, Inc. The matter goes to the Board of Supervisors for funding.

Commissioner Starbuck reported that the Board of Supervisors had reversed the Commission disapproval of the condominium conversion of the property at 1990 Green Street; the Board imposed certain conditions previously recommended by the Department on the conversion, limiting, however, price setting provisions to an instruction to keep prices down without establishing any maximums. Mr. Steele noted the Supervisors appeared to be shocked with the Subdivision Code they had enacted in 1975.

Commissioner Starbuck thanked the press for its coverage of the Residential Zoning Study presentation; he noted that this matter had received the best coverage of any planning issue over the past two years.

The Commission considered a draft resolution concerning amendment of Section 1385 of the San Francisco Subdivision Code regulating condominium conversions. Mr. Steele recommended that the resolution be adopted; it urges the Planning, Housing and Development Committee of the Board to defer action until the Department staff can furnish a complete report on condominium conversions. A preliminary report would be made to the Commission in two weeks.

Commissioner Dearman remarked that this proposal wouldn't affect the seven conversion applications to be heard by the Commission during December, 1977. Mr. Passmore noted that applications were deemed approved by the City if not acted upon within thirty days.

Commissioner Starbuck commented that the Subdivision Code definitely needs review; he said he wanted a thorough study made of the problems and noted that the Supervisors would be considering deleting the provisions requiring a Commission determination that a project is consistent with the Master Plan.

Commissioner Elliott requested clarification of the Board concern with the threshold number of apartments which are subject to the tenant survey provision. Mr. Steele answered that currently any project of 50 or more units was required to have approval of 35% of tenants and that the Supervisors had mentioned raising this threshold number of units to 1,000, reducing its effectiveness to two developemtns in the City.

After discussion Commissioner Dearman moved, Commissioner Starbuck seconded, and the Commission unanimously passed the draft resolution as City Planning Commission Resolution No. 7849. Commissioner Starbuck requested the staff to send a copy of the Resolution immediately to Supervisor Pelosi for use at a Board Committee meeting Friday.

DECEMBER 1, 1977

Sue Smith, representing San Francisco Tomorrow (SFT), addressed the Commission regarding the draft resolution urging the San Francisco Airports Commission to direct the filing of an environmental evaluation for certain components of the expansion/modernization program. She noted that the EIR for the program, dated August 1973, devoted only three lines to the 200-foot control tower. She said that SFT's letter to the Airports Commission hadn't been answered. The EIR needs adjustment in light of the National Environmental Policy Act policy statement in 1977; also, the E.I. Statement has not yet been reviewed by any agency. She informed the Commission of a Department of Transportation memorandum dated April 15, 1977, which says the airport must take the lead in accommodating the additional surface trips generated by the expansion. The airport must also comply with the State noise law. She said there were discrepancies in the EIR procedural dates and in the total number of passengers to be accommodated. She urged the staff of the Department to participate in getting the additional data needed for the review of the program.

Commissioner Starbuck stated that the point of the draft resolution was to urge submittal of any necessary environmental evaluations but it never asked for a new EIR.

Commissioner Starbuck moved, Commissioner Elliott seconded and the Commission unanimously continued the matter to December 15, 1977 in order to allow time for the staff to contact the staff of the airport on this matter.

DR77.66 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7706350 FOR CONSTRUCTION OF A NEW 7-UNIT RESIDENTIAL BUILDING AT 3239 MISSION STREET, EAST LINE, 175 FEET SOUTH OF FAIR AVENUE. (EE77.196)

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, explained that this review was requested by the Puerto Rican Club and the Bernal Heights Association, who want the subject property used for a mini-park instead of for a 7-unit residential building; he then introduced Richard Gamble, Planner IV, who presented the case to the Commission using plans and maps.

Mr. Gamble said that he had met with the owner of the property, Mr. Murphy, with Larry Manning of the Trust for Public Land and with the Brosnan Brothers, the owners of the adjacent property. He noted that the trust could be of greatest benefit in the open space acquisition process where they pick up certain limited expenses that have been incurred rather than the full cost of the land. In this situation they are potentially more likely to aid in acquiring the Brosnan parcel rather than the Murphy parcel. He said that he had reviewed

the plans for the Murphy proposal and that he felt they might be altered in a way that would satisfy some of the needs of the community. A mini-park could be developed at grade level along the Mission Street frontage of the lot. This would be the rear yard for the building. The mural on the wall of the Puerto Rican Club building would remain visible. With the building pushed back on the parcel, its access would be off Peters street and there could be a small commercial space on the ground level, which the zoning staff said was permitted. The club was enthusiastic about the idea. He concluded by saying the trust wouldn't help with the Murphy land unless the tax situation was such that they wouldn't have to lay out much cash; he would continue to try to get them involved.

Samuel Schneider, representing the owner of the property, said that the plan discussed by Mr. Gamble had been presented to Mr. Brosnan and Mr. Murphy and they wanted to know precisely what compromise would be acceptable. He said anything would cause expensive time delays; since June construction costs had increased two thousand dollars for this project. Wood was up 30% and gypsum board up 35%. He said that the property had been purchased in good faith and no mural then existed. The club knew that construction was planned when they painted the mural. It was ridiculous to spend one quarter million dollars for the parcel to show the mural. The owner needed a more specific date for final action so he could pursue the project. If Peters Street was used for access then plans would have to be redesigned to provide a lobby; Peters Street was poorly paved and if this were required, than pressure would be needed to get Public Works to pave it properly. Of course, this would increase costs, partly because this plan would make necessary the sprinkling of the first floor.

Commissioner Starbuck asked if vehicle access to Peters Street was possible. Mr. Schneider said that it could be used only if it were properly paved and maintained; it had been poorly maintained in the past.

Commissioner Bierman asked whether Proposition J funds could be used. Mr. Gamble said that an easement could be granted by the owner for use of the rear yard along Mission Street as a park. This could be paid for out of Proposition J funds. He said he questioned the legality, however.

Mr. Schneider said that a 36-foot rear yard would result and the roof would provide additionally required open space. More open space would be provided alongside the garage because of a setback.

Commissioner Bierman asked whether the City would agree to maintain the yard as a park. Mr. Gamble said that if the commercial space on the ground floor were used as a sidewalk cafe then there wouldn't

be a park, yet it would still be in public open use. Mr. Passmore said the mural would remain visible with either a park or a cafe and that a scenic easement might be the proper method to insure this.

Mr. Schneider asked who would be liable for any injuries on the property and he questioned whether the Commission would support use of funds for a park in what was not a high-need area, on property zoned commercial. He noted there were no crowds of pedestrians as on 24th Street.

Mr. Passmore said that the Citizen's Advisory Committee had recommended City purchase of both parcels one month ago and he said there had not been a draft resolution prepared on this item pending agreement on final plans. He said the Commission could approve the application subject to review of final plans by the staff and for a building at the eastern end of the parcel which was acceptable to the neighbors.

Frank Gallagher, representing the South of Army Mission Merchants groups, said the people hurt by this case were the merchants and property owners on the block who are 99.9% for any construction on this property. He said it was ridiculous to protest a mural painted with the knowledge of construction being planned; a petition would be coming in support of the original building proposal without gimmicks. Residents in this area have Holly Park and parents wouldn't allow children to play on Mission Street in any case.

Mr. Schneider said Mr. Murphy wanted to proceed with his original plans. He said no interest had been expressed in the project or for a park until the Puerto Rican Club found out about this proposal. Commissioner Bierman said this was often the case. Mr. Schneider said that the protest was not really for open space and that a park would be better between Fair Avenue and 29th Street. In addition there was a used car lot nearby for sale that could be used for a park.

President Rosenblatt asked if Mr. Schneider had reviewed all the proposals with Mr. Murphy. Mr. Schneider said that the owner had been waiting since June for a permit to build.

Commissioner Starbuck asked whether the compromise being proposed seemed to be punitive to the owner. Mr. Schneider answered in the negative and said it was the time element and the increased costs which were bothering him.

Michael Nolan, representing the Northwest Bernal Block Club, said he favored a compromise because the area needs new housing and there was an attractive park up the hill already. He asked that steps be

made for access to Esmeralda Street. Mr. Schneider said that there was an existing easement from Peters to Mission Street which is part of the property and would remain even if the apartment building is built. Mr. Gamble noted that this was a private easement; the Open Space Citizen's Committee had received a petition from the block club from the other side of Mission Street requesting a mini-park, also.

Mr. R. Santiago, a member of the Puerto Rican Club, said that his group wanted a building on the adjacent property but with a compromise. The club would be willing to donate a part of their property for use as open space. All they asked is for the site of the proposed building to be shifted to improve the quality of life.

President Rosenblatt asked if anyone else wanted to speak and there was no response.

Mr. Passmore recommended that the matter be continued to allow more time for the parties to work out a compromise and for the staff to prepare a draft resolution for consideration by the Commission.

After discussion Commissioner Bierman moved, Commissioner Starbuck seconded, the recommendation, and it was unanimously passed that the matter be continued to the meeting of December 8, 1977 and that the Commission would keep the matter under its jurisdiction until December 22, 1977, at the latest.

ZM77.15 - 714 CHENERY STREET, NORTHWEST CORNER OF THOR AVENUE;
LOT 6 IN ASSESSOR'S BLOCK 6739. CHANGE OF THE USE
(ZONING) CLASSIFICATION OF THE PROPERTY FROM R-1
DISTRICT TO A C-2 (COMMUNITY BUSINESS) DISTRICT.
(EE77.318)

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented the case using land use and zoning maps. The applicants, John and Florence Susoff, the owners of the one-family dwelling at the northwest corner of Chenery and Thor Avenue; have requested a change to C-2 commercial zoning for their property to allow Mr. Susoff to continue to conduct his household repair business on the premises, with storage of used appliances in the basement, and rear yard until sold. The property is presently zoned for one-family residential use; across Thor Avenue is a C-2 district and a small Glen Park shopping district extends along Diamond Street from Monterey Boulevard to approximately 100 feet north of Chenery Street. The area immediately to the north and west is zoned R-1. The transitional status allowing certain non-residential uses is no longer applicable to the property which is proposed for RH-1. A final negative declaration was adopted and issued for this application by the Department on November 14, 1977. Mr. Passmore concluded by noting that this

case resulted from a non-conforming use survey which disclosed this matter as a Planning Code violation, a commercial use in a residential district. The applicants are seeking a zoning change to legalize the business they operate on the property.

John Susoff, the applicant, said he wanted the C-2 zoning so that he could stay in business and be with his family. He said he provided a good repair service now but if he was forced to open a store in a commercial district he couldn't provide the same quality service; his prices would be forced up for his customers from the neighborhood.

Commissioner Starbuck asked the applicant if his previous home-business property had been zoned R-1. Mr. Susoff answered in the affirmative; he said they used to live and work on Geneva Avenue near Delano.

Commissioner Bierman asked if most of the repair work was done in his house. Mr. Susoff answered that he did most of the appliance repair work in the customers' homes, which reduced the costs. Commissioner Bierman asked whether it was an unlawful use if a major portion of the work was done outside of the customers' homes. Mr. Passmore said that a problem was that the applicant stores used appliances on the premises for repair and resale and more than one half of the floor area of the dwelling is devoted to keeping this stock in trade. The accessory use provisions of the Code prohibit keeping a stock in trade in a residential district but allow use of up to one quarter of the floor area of a dwelling for a non-residential accessory use.

Commissioner Dearman noted that this regulation would affect seamstresses who work in their homes and she recalled seeing roofing contractors' trucks parked on residential streets indicating contractors worked out of their homes.

Commissioner Starbuck asked about employees and the size of the applicant's truck. Mr. Susoff responded that he owned a half-ton pick-up truck and had no employees except himself and his wife. In answer to a question from Commissioner Bierman he said that he had to store appliances because he repaired them and sold them. To Commissioner Dearman's question he answered that he didn't advertise in the yellow pages, just in the newspaper.

Jim Grace, a resident of a house across the street from the applicant, said he was in favor of the application because Mr. Susoff was a good neighbor; he had no complaints and he would have heard if anyone else had any.

Mr. Steele said that a letter and a petition, signed by 15 residents, had been received by the Department in favor of the application. The Glen Park Association had sent a letter with a petition in opposition.

Bob Andrews, a resident of the neighborhood for 35 years, said he had no problems with the application and there was no junk on the street. He said this use was more desirable than the people who patched up cars in the street.

Commissioner Bierman said that refrigerators and ovens stored in the back yard might be dangerous for children in the neighborhood. Mrs. Susoff responded that the appliances in their yard had new style hatches and in any case no children were allowed in the yard.

Joan Seawall, a neighbor, said that while she was opposed to C-2 zoning that she thought the applicants should be left alone. She had never been inconvenienced by the repair shop.

Commissioner Dearman read the letter from the Glen Park Association, which said that they opposed the rezoning to C-2 and also supported Mr. and Mrs. Susoff. She asked whether the Department could work out a way for the applicant to remain without a reclassification. Mr. Steele said the problem would always be the maintenance of a stock in trade on the premises. Commissioner Dearman hoped that the refrigerators weren't needed. Mr. Passmore said the Department wanted to work it out with the applicants but that the Director's recommendation was for disapproval of the request to change the zoning to C-2. He summarized a draft resolution that had been prepared for the Commission.

Harry Goodman, President of the Glen Park Association, said his group was opposed to the rezoning but not to the applicant's business.

President Rosenblatt asked if anyone in the audience wished to speak or if the applicant wished to offer any rebuttal to the staff recommendation. No one responded.

Commissioner Bierman moved approval of the recommendation, Commissioner Starbuck seconded, and the draft resolution was adopted unanimously as City Planning Commission Resolution No. 7850 disapproving the application, with the understanding that the staff would work with the applicants to find a way the business could be brought into compliance with the provisions of the City Planning Code.

At this point in the proceedings, Commissioners Dearman and Starbuck left the meeting room.

DR77.64 (CU) - 156 ALLISON STREET, WEST SIDE, 225 FEET SOUTH OF CROSS STREET; LOTS 8 AND 9 IN ASSESSOR'S BLOCK 6467; IN R-1 AND PROPOSED RH-1 DISTRICTS. REQUESTS AUTHORIZATION TO CONVERT AN EXISTING ONE-FAMILY DWELLING INTO A TWO-FAMILY DWELLING.

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented this case to the Commission using land use and zoning maps. He noted that the applicants, Mr. and Mrs. Gonzales, the owners of the subject one-family house, wanted authorization under the Proposed Residential Zoning standards to add a second unit to their existing large house in a Proposed RH-1 district. The house sits on the center of their 6,000 square foot lot which has a 50-foot frontage; they would add an outside entry and a kitchen to a second floor bedroom, resulting in two two-bedroom flats. The rental is expected to defray the costs of a general renovation of the property, which also includes the addition of a large deck and a reconstructed garage in the side yard. He noted that environmental review was not required for this project, and this neighborhood to the west of the Outer Mission and Geneva commercial strips, was developed mostly with one-family houses. This is the only house in the area on a double lot sited in such a way that it can't be split into two standard lots. If approved, the resulting two-family house would meet the Code standard of one unit for each 3,000 square feet of lot area. The principal issue presented here was whether this conversion would affect the neighborhood and lead to other applications for similar conversions.

At this point in the meeting Commissioner Dearman and Starbuck returned to their seats.

Aurelio M. Gonzales, the applicant, said he and his wife don't need an eleven room house and a rental unit would enable them to properly maintain the building. He remarked that it was one of the oldest buildings in the neighborhood and he wanted to bring it up to standard.

President Rosenblatt asked if anyone in the audience wanted to testify on this matter and no one responded.

Mr. Passmore said the Director's recommendation was for approval and he summarized the draft resolution with conditions that had been prepared.

After discussion Commissioner Bierman moved, Commissioner Carey seconded and the draft resolution was adopted as City Planning Commission Resolution No. 7851 and the application was approved subject to the conditions which had been recommended by Mr. Passmore.

CU77.51 - SUTTER STREET, SOUTH SIDE, 112.5 FEET EAST OF SCOTT STREET, AND POST STREET, NORTH SIDE, 142.5 FEET EAST OF SCOTT STREET; LOTS 15, 29A, 29B AND 38 IN ASSESSOR'S BLOCK 681; IN R-4 USE AND 65-A HEIGHT AND BULK DISTRICTS MT. ZION HOSPITAL AND MEDICAL CENTER APPLICATION REQUESTS CONDITIONAL USE AUTHORIZATION TO ENLARGE THE EXISTING PARKING LOT FOR DOCTORS, WITH ACCESS FROM SCOTT STREET.

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented this case to the Commission using land use and zoning maps. Noting that this application was filed six months after the public hearing before the Commission on the institution's master plan, which included a description of the proposed parking lot. He summarized the staff case report which was before the Commission. The hospital is required to have conditional use authorization for a parking lot in a residential zoning district; the three lots here are in an R-4 and Proposed RH-3 district and have a total frontage of 80 feet on Sutter Street with one lot having a 25-foot frontage on Post Street to be added to the existing 55-foot frontage on Post Street. The proposal would add 13,162.5 square feet to the existing 11,432 square feet for a total of 24,594.5 square feet. The lots are presently vacant. A final environmental evaluation was adopted and issued on November 16, 1977. The Institutional Master Plan, presented to the Commission on March 12, 1977, lists 179 off-street parking spaces for the entire medical center comprised of 120 open spaces across Divisadero Street west of the hospital, for general use, and 59 spaces for short term physician parking, with 14 spaces entered from Bush Street at the rear of the Pavillion, and annex between Sutter and Bush Streets recently purchased by Mt. Zion and 17 spaces in the inner court of the hospital entered from Scott Street, and 28 spaces on the lot now proposed for enlargement. The 28-space lot was approved on September 2, 1971 for temporary use for three years. Commission Resolution No. 6751 states that the parking lot would provide approximately 25 spaces for doctors for approximately three years, until the hospital can complete construction of a permanent garage. In 1974 the hospital abandoned plans to build a garage and the lot was authorized as a conditional use without any termination date. At that time the Post Street entrance was closed and a new entrance on Scott Street was opened, with the addition of three spaces adjacent to the new driveway.

President Rosenblatt asked if there was anyone present in the audience in opposition to the application, and there was no response.

Mr. Passmore said that the staff was concerned with the commitment from Mt. Zion to use the property only as a temporary parking lot.

William H. Curtner, the executive director of Mt. Zion, read a statement on behalf of the applicant hospital as follows:

"The Mount Zion Master Plan which we presented to you on May 12th of this year incorporated several modifications that were in response to concerns expressed by community groups. One of these modifications was relative to this application for the completion of the short-term physicians parking lot.

"At that time, we agreed to retain the small house located in Lot 40 of Block 681. We additionally obtained permission from the City Planning Department to proceed with landscaping, fencing and grading of the vacant lots to improve their appearance. Unfortunately, we have yet to obtain all the necessary permits from the Building Department in order to proceed.

"We have maintained communication with community groups and have been accessible to them since our original meetings. They have been supportive of the use of the lots for short-term physician parking as an interim and temporary solution to physician parking.

"It is our intention and we continue to actively pursue a long-term and more appropriate resolution for parking, not only for physicians, but for visitors, patients and employees also.

"We have continued to develop and expand our Transit Action Plan to free up on-street parking in the neighborhood. We have and will continue to participate in the joint study by a number of San Francisco institutions and the Department of City Planning which is addressing the feasibility of sharing costs and services while developing transportation measures unique to the individual institutions.

"In closing, let me reassure you that this conditional use is an interim solution only, and that we will continue to pursue more appropriate long-term solutions for hospital parking which are mutually beneficial to our patients, visitors, staff and neighbors."

Commissioner Dearman remarked that she was raised on the 2200 block of Sutter Street and had strong feelings for this area as a residential neighborhood. She asked what was the commitment of the hospital to a temporary use of the lots for parking.

Mr. Gurtner said that the hospital would eventually need a multi-deck garage which the neighborhood residents, the staff and the hospital all want, but he didn't know when such a project could be put together. He noted that the Commission had the power to put a limit on the period the property could be used for parking. He added that the intention of the hospital would be evident from their future actions and their track record shows their credibility. Conditional use control is the best answer.

Commissioner Dearman asked if Mt Zion would understand a one-year limit. Mr. Curtner hoped that the Commission would be realistic in setting a time frame. A year had elapsed already since the hospital had come up with the present proposal due to the Code required planning and hearing process.

Mr. Passmore made the Director's recommendation for approval with conditions summarizing a draft resolution which had been prepared by the staff. He noted that basically it called for a three-step program for parking and it set out guidelines. The subject property would be authorized for three years, until December 31, 1980.

Commissioner Dearman questioned whether the program provided for access onto Sutter Street. Mr. Passmore said such access would be limited by Condition No. 1 in the draft resolution. Sandra Miller of Howard A. Friedman and Associates, the architects and authorized agents of the hospital, explained the planned access to the parking lot using maps and diagrams.

Mr. Passmore said the Commission could consider an additional condition which would require that the gate to the lot on Sutter Street be limited to use as an emergency access as required by the San Francisco Fire Department.

Mr. Gurtner said that some time limit was needed, but he was concerned because it was not probable that the ultimately needed garage structure would be built in two years. A less stringent condition that wouldn't predispose a solution to the problem would be preferable. He said he had a serious difficulty with proposed Conditions No. 10 and No. 5. He emphasized that this proposed expansion of the parking lot was to serve the unique problems of physicians and was not for regular employees; physicians have a special need for quick access.

Mr. Steele noted that the hospital could commit itself to a temporary parking lot followed by an alternative parking facility and residential use of the property. Of course after three years the matter would come back to the Commission and, if conditions had altered, it could adopt a new resolution for those altered conditions. The Commission in its wisdom would modify the conditions imposed on the hospital as was appropriate.

Mr. Gurtner said he was perhaps saying the same thing in a different way. The institution had demonstrated its willingness to cooperate in the past. He felt that Condition No. 3 gave adequate control because of the continuous study that was required. But in the event the community changed its mind then the proposed conditions seemed like overkill, and might possibly stultify some alternatives. He agreed to keep in continuous communication, and he said that Mt. Zion was extremely aware of the problems facing the Department. He hoped that this wasn't a punitive resolution against the hospital.

Mr. Steele said he was in agreement with the general ideas expressed by Mr. Gurtner.

Mr. Passmore recommended deleting the word "permanent" from Condition No. 10. Mr. Gurtner said this condition wasn't necessary, since the same concept was contained in Condition No. 3.

Mr. Gurtner recommended the words "a permanent alternative" be used instead of "parking facility" in Condition No. 10.

Mr. Steele said he didn't completely agree although the Department still hoped there would be a shift to greater use of public transit and away from private cars. He recommended keeping Condition No. 10 with the modification. Mr. Gurtner said this was more acceptable. Mr. Steele noted that the staff would report back to the Commission in one year.

Commissioner Bierman moved that the draft resolution be approved as modified, Commissioner Dearman seconded and it was adopted as City Planning Commission Resolution No. 7852 by a vote of 5 to 1. Voting "Aye" were Commissioners Bierman, Carey, Dearman, Nakashima and Rosenblatt; voting "No" was Commissioner Starbuck.

The Commission recessed for fifteen minutes and reconvened at 3:38 p.m., Commissioner Elliott having returned to his seat.

President Rosenblatt reopened the meeting by recognizing in the audience Mrs. Julia Porter, a former long-time member of the Commission. Mr. Porter commented that it was nice to be on the other side for a change.

CU77.54 - 1201 NINTH AVENUE, SOUTHWEST CORNER OF LINCOLN WAY;
IN A C-2 (COMMUNITY BUSINESS) DISTRICT.
REQUESTS CONDITIONAL USE AUTHORIZATION TO CONDUCT AN
ANIMAL HOSPITAL IN THE GROUND FLOOR OF A NEWLY
CONSTRUCTED OFFICE BUILDING. (EE77.325)

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented this case to the Commission using land use and zoning maps. He noted that Dr. John Bodle, D.V.M., the proposed operator, sought conditional use authorization for an animal hospital to occupy all of the ground floor of a newly built office building, still unoccupied, at the southwest corner of Ninth Avenue and Lincoln Way in a C-2 district. Dr. Bodle intends to lease the whole building and sublease the office space upstairs to doctors or dentists. He had received conditional use authorization in 1970 to establish his veterinary practice at 1333 Ninth Avenue, a block and a half south of this site, where he practiced until 1975 when All Animals Emergency Hospital took over the building for emergency service only, after normal business hours, and on holidays when the other veterinary hospitals in the City are closed. Dr. Bodle had stated that he now wanted to reestablish his practice in the Inner Sunset and had made tentative arrangement for patients to have reserved parking at the Mohawk gas station across the street. Mr. Passmore noted that a negative declaration had been adopted and issued for the building plans and another had been issued for the animal hospital application. The owner of the building and the applicant, Michael McCornick, had stated in the application that the interior of the building had not been finished yet, pending the decision of the Commission. Public transit serves this neighborhood and commercial area well, and the surrounding residential area is developed with a mixture of one-family and two-family houses and small apartment buildings. To the south of the site are an automobile service business and a paint shop; to the west on Lincoln Way is a bar with a residence above, with a 22-unit apartment on its west. Ninth Avenue is a major entry point to Golden Gate Park across the street on the north.

Commissioner Bierman asked about sound proofing to protect the upstairs offices.

Mr. Passmore said that the City Planning Code provided that animal hospitals could be approved as a conditional use but neither the Planning Code, nor the Building Code, required sound proofing. R. Spencer Steele, Acting Director and Zoning Administrator, added that the Department had no control over the upstairs offices, just over the space used by the veterinarian. Mr. Passmore said that the Commission could impose a condition to control the noise, which might be a nuisance, for the upstairs tenants or those in adjacent properties.

Michael McCornick, one of the owners of the building and the applicant on behalf of Dr. Bodle, said that the building to the south was a concrete garage and that he owned the building with the bar to the west of the site on Lincoln Way. His partner owns the apartment building next to the bar; the next parcel beyond the apartment house at the corner of Tenth Avenue is a gas station.

Dr. John Bodle stated that there would be only a few animals ever kept overnight, only the very seriously ill. He said he sold his other building to the veterinarians of the City for an emergency facility only. He hoped to reestablish his practice in the new office building. He remarked that he had lived above the office at 1333 Ninth Avenue and had never been disturbed by noise from overnight patients.

President Rosenblatt asked if there were similar facilities in the area. Dr. Bodle said that Dr. Burr at 16th Avenue was overworked and welcomed another practitioner in the neighborhood.

Inge Novack, the owner of the apartment house at 1212 Tenth Avenue, opposed the application. She said there would be a problem with animal noise that would bother tenants.

At this point in the proceedings Commissioner Elliott left the room.

Joseph Fitzpatrick, one of the owners and a contractor, said he had built the Novack building and that he was concerned also because he owns property even closer to the site. He said there would be sound proofing around the isolation area which would protect the upstairs offices. He stated he was very conscious of the need for noise elimination; the hospital would be fresh air ventilated and no noise would be due to open windows. Dr. Bodle's former site had been more difficult and never had a noise problem. This was a new building and the interior would be designed for this specific use.

President Rosenblatt suggested that conditions be written to protect all those affected.

Mr. Steele said that the Department of Public Health was most concerned with the noise and odor issues. Mr. Passmore noted that cleanliness of operation was a major factor in this and the health inspectors were strict with operators.

Commissioner Starbuck asked about the size of the ground floor. Mr. Fitzpatrick answered that the ground floor was approximately 3,200 square feet.

Mr. Passmore said the Director's recommendation was for approval subject to eight conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After he summarized the conditions he recommended that the word "dogs" be changed to "animals" in Condition No. 2 and the word "building" be changed to "veterinary hospital space" in the next line.

Commissioner Starbuck moved, Commissioner Dearman seconded, that the draft resolution as modified be adopted as City Planning Commission Resolution No. 7853 and that the application be approved subject to the modified conditions recommended by Mr. Passmore.

CU77.55 - 2310 HYDE STREET, EAST SIDE, 70 FEET SOUTH OF CHESTNUT STREET; LOTS 29 AND 30 IN ASSESSOR'S BLOCK 68; IN R-5 AND PROPOSED RH-3 DISTRICTS. REQUESTS AUTHORIZATION TO CONSTRUCT A THREE-UNIT APARTMENT HOUSE WITH SIX OFF-STREET PARKING SPACES ON EACH OF THE TWO LOTS. (EE77.332)

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, informed the Commission that he had received a letter from Harvey Freed, attorney representing property owners on Montclair Terrace to the rear of the subject property, requesting a continuance of the matter. He noted that the issue here was whether the two proposed 3-unit houses should be authorized to have more than one and a half times the parking spaces required. Each was required to have three spaces and the applicant was proposing six for each building with a single entrance for the two buildings.

Harvey Freed, representing the Montclair Terrace Association, said he had met with Harold Baxter, the owner and architect for the project subsequent to the letter Mr. Passmore had just read and they had reached an agreement in principle. The additional parking spaces would be dropped and the garage would no longer project into the rear yard towards the houses fronting on Montclair Terrace. This case was following the same path as had the project of Stanley Charles heard by the Commission in September, and more time was needed for the parties to reach a final agreement on revised parking and landscaping plans. He requested that the Commission continue the matter to December 22, 1977 which was agreeable to everyone.

Mr. Passmore said that December 22 would be acceptable to the Department.

Mr. Freed said it was important that the Commission retain its jurisdiction over the case for the present.

Mr. Passmore said that even if the application were withdrawn because of no necessity for conditional use authorization that the Commission could exercise its discretionary review powers to protect all the interests involved.

Commissioner Starbuck suggested that the applicant postpone any withdrawal of his application until an agreement had been reached.

Commissioner Dearman asked why the neighbors were opposed to two spaces for each unit. Mr. Freed said that the problem was the structure; to accommodate the twelve cars the garage level would have to project into the rear yard, which would shorten the rear yard and bring the new building too close to the existing houses on Montclair Terrace. The developer was graciously dropping the rear part of the garage and limiting the buildings to four spaces each instead of six. This area doesn't have a parking problem which makes it different than other areas. Next year there will be a two hour limit imposed on street parking which will further reduce the problem. He concluded by saying that Mr. Baxter would probably arrive later in the meeting if they wanted to ask him any questions.

Mr. Baxter entered the room at this point in the meeting and President Rosenblatt explained where the matter sat at that point.

Mr. Baxter said he would prefer continuing the matter to the meeting of December 22, 1977. He said he had also talked to Mr. Volkmann, the developer of the site adjacent on the south.

Commissioner Bierman moved, Commissioner Dearman seconded, and the Commission unanimously agreed to continue the matter to the meeting of December 22, 1977.

CU77.52 - 1356 FULTON STREET, NORTH SIDE, 220 FEET WEST OF DIVISADERO STREET; IN R-3 AND PROPOSED RM-1 DISTRICTS. REQUESTS CONDITIONAL USE AUTHORIZATION FOR A BOARD AND CARE HOME FOR 25 MENTALLY DISTURBED PERSONS, A RENEWAL OF THE AUTHORIZATION GRANTED IN 1973. (EE73.36)

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented the case to the Commission using land use and zoning maps. He said that the operators of this residential care facility for 25 mentally disturbed adults had recently purchased the house and were requesting that the conditional use authorization granted to the former owner in 1973 for a two-year period be extended indefinitely.

The property, a converted 3-flat building, is on Fulton Street west of Divisadero Street in R-3 and Proposed RM-1 districts; Divisadero Street is zoned for and developed with commercial uses and this immediate neighborhood is developed with flats and small apartment buildings. Mr. and Mrs. Cooper, the applicants, have been making improvements to the interior since buying the property in 1976.

No one was present in the audience to speak in opposition to this application.

Mr. Passmore recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion, it was moved by Commissioner Derman, seconded by Commissioner Nakashima, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7854 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

The Commission recessed for fifteen minutes and reconvened at 4:35 p.m., Resident Rosenblatt acknowledged the presence in the audience of Thomas Mellon, former Chief Administrative Officer and member of the Commission.

CU77.57 - 2190 BROADWAY, NORTH SIDE, 92 FEET EAST OF WEBSTER STREET; IN R-3.5 AND PROPOSED RH-2 DISTRICTS.
REQUESTS CONDITIONAL USE AUTHORIZATION TO CONSTRUCT A NEW FOUR-UNIT APARTMENT HOUSE WITH NINE OFF-STREET PARKING SPACES IN AN RH-2 DISTRICT ON A LOT OF 6,393.75 SQUARE FEET.

Robert W. Passmore, Planner V (Zoning) and Assistant Zoning Administrator, presented this case to the Commission using land use and zoning maps. The applicant, Paul E. Davis, is the architect and authorized agent for Richard Garcia, the owner, who wants to construct a four-unit, four-story apartment house with eight or nine off-street parking spaces; the building would have a maximum height of forty feet. The lot is 6,393.75 square feet in area with a frontage of 47.5 feet on Broadway, 92 feet east of Webster Street. The lot is vacant, unpaved and it is sometimes used as an unauthorized parking lot. The zoning is R-3.5, which permits one unit for each 600 square feet of lot area, and is proposed for RH-2 which permits one two-family house with additional units permitted as conditional uses to a maximum density of one unit for each 1,500 square feet of lot area.

Standards for principal permitted uses would allow an eleven unit building in an R-3.5 district and in an RH-2 district four units. The reclassification application of the Pacific Heights Association requests R-2 zoning for this property, which district has density standards similar to an RH-2 district. The property is between the Panorama, a 12-story 24-unit condominium, and the Sarah Dix Hamlin School for Girls. The neighborhood is characterized by the fine large homes, but also has many apartment buildings ranging in height from three stories upward with several newer buildings 10 or 12 stories high. Two private schools are in the next block and the Italian Consulate is across the street. The project is before the Commission for two reasons: first, the third and fourth units can only be approved as a conditional use under the RH-2 standards being considered as a discretionary review matter while the Proposed Residential Maps and Text are pending before the Commission; and second, any off-street parking spaces which exceed 1.5 spaces for each dwelling unit may be considered to be a community garage, a conditional use in all residential districts. Four spaces would be required for a four-unit building, two more would be considered accessory parking and two or three more may be approved as a conditional use community garage. The plans submitted with the application show the ground floor garage, with a deck on its roof to serve the first floor apartments, extending to within twenty feet of the rear property line. The R-3.5 zoning would require a 25-foot rear yard and the RH-2 zoning would require a 34.375-foot rear yard, 25% of lot depth. In the event the plans are modified so that the garage roof is no more than three feet above grade, the building would comply with current code regulations. He concluded by saying a final negative declaration had been adopted and issued for this project on November 15, 1977.

Paul Davis, architect and authorized agent for the owner, added that the owner would occupy one of the units, his family another, his partner another, and one would be rented; the project was not for speculation. One of the nine spaces would be used for storage so that they were requesting authorization for only an 8-space garage. He said the plans had been revised and the top of the garage was three feet above grade leaving a full 25-foot rear yard. He concluded by noting that the building would have an elevator and the exterior would be buff-colored masonry.

Commissioner Starbuck asked whether the height above grade of the garage roof was measured from a point at the end of the slope. President Rosenblatt asked if the top of the roof would be landscaped. Mr. Davis responded by saying that it would be landscaped and that the height of the garage was being measured from the natural grade level.

No one was present in the audience to speak in opposition to the application.

Mr. Passmore recommended that both applications be approved subject to a modification of the plans to bring them into compliance with the rear yard standards of the City Planning Code. He presented two draft resolutions which had been prepared for consideration by the Commission.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Carey, and carried unanimously that the draft resolutions be adopted as City Planning Commission Resolutions No. 7855 and No. 7856 and that the applications for the 8 or 9-space community garage and for the four-unit building in the RH-2 district be approved subject to a modification of plans as recommended by Mr. Passmore.

A standard cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The Commission recessed for six minutes and reconvened at 4:50 p.m.

EE76.79 - PUBLIC HEARING ON AN APPEAL OF THE ISSUANCE OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING AND A REQUEST THAT AN E.I.R. BE REQUIRED FOR THE REBUILDING OF THE HOME FOR THE AGED AT 300 LAKE STREET (ZM76.16 AND CU77.56).

President Rosenblatt requested that testimony submitted for this case be limited to the issue of the appeal of the negative declaration; testimony concerned with approval or disapproval of the reclassification and conditional use applications would be accepted after the appeal had been decided.

Robert W. Passmore, Planner V and Assistant Zoning Administrator, presented the appeal to the Commission and described the issues it raised. He noted that the correspondence before the Commission from Howard Nemirovski, the attorney for the Little Sisters of the Poor, operators of the subject home for the aged, argued that the appeal filed by Mrs. Jacqueline L. Young of 5 Presidio Terrace on November 15, 1977, was not timely since it had been submitted more than ten days after the publication of the notice that a negative declaration had been issued. The Administrative Code provides that there shall be a 30-day period for appealing a determination that no E.I.R. is required and the issuance of a negative declaration. Mr. Passmore said that he had consulted the City Attorney's

office and had been advised that the Commission was charged with determining whether it had jurisdiction of an appeal. The Administrative Code states that appeals must be filed within 10 days of publication of the notice of the negative declaration and also required the Department to mail the notice to concerned parties. In this case, the newspaper publication of the notice had been on November 4, 1977, but the Department hadn't mailed the notice to Mrs. Young and the other parties, until November 7 or 8, 1977, and as a result, had calculated the 10-day appeal period to end November 18, 1977; based on these facts the present hearing had been scheduled for the appeal. It was now up to the Commission to decide whether it would accept the appeal. In addition, an issue had been raised as to the effect of the appellant having filed for registration of the existing building on the National Register of Historic Places. This had been done by letter received November 21, 1977, by the Office of State Historic Preservation and the matter is expected to be on the January 6, 1978 agenda of the State Historic Resources Commission which advises the State Historic Preservation Officer. Another issue to be considered by the Commission would be the nature of the role to be played by the Landmarks Preservation Advisory Board which reviews landmark matters and advises the Commission but has no direct role in National Registry.

~~President~~ Rosenblatt asked about the usual procedure the Department follows in mailing copies of a negative declaration to project sponsors and other interested people. Mr. Passmore answered that usually these documents were mailed on the same day that the notice of the determination was published, always on Friday, but that in this case the negative declaration wasn't mailed until the Monday or Tuesday following the Friday publication due to the volume of environmental reviewing that the office handled.

Howard A. Nemerovski, attorney for the Little Sisters of the Poor, urged the Commission to determine that it had no jurisdiction in the case since Mrs. Young's letter was filed after the 10-day appeal period had ended on November 14, 1977. The date of publication of the Department's official notice of determination had been November 4, 1977. He said that the appeal failed for two reasons. First, the Commission had no power to hear the appeal since the ordinance adopted by the Board of Supervisors expressly states that the 10-day appeal period begins with the date of publication and not from the time of mailing; therefore, the appeal was received too late and has no effect. Second, the ordinance required that an appeal must state grounds for appeal and the letter requesting appeal is defective in that it does not state any grounds upon which the appeal is based.

A second document submitted by Mrs. Young dated November 18, 1977, does allege grounds for appeal, but not the appeal letter itself. He said that it was important to the Sisters from a public policy standpoint, as well as to residents of the neighborhood that the Commission not accept the appeal. It would be a distortion of justice if the appeal were allowed.

President Rosenblatt asked if there were any questions from the members of the Commission. Commissioner Bierman asked whether the Department felt it was a proper appeal. Mr. Passmore responded that he had been advised earlier in the day by the City Attorney's office that the Commission could decide for itself an interpretation of the ordinance involved and whether the appeal was validly filed.

Michael Bradley, a resident at 210 Lake Street and an attorney, spoke from the audience and asked the Commission to decide the appeal on its merits and not on a technicality of procedure.

Commissioner Starbuck moved that the Commission take jurisdiction and accept Mrs. Young's appeal of the negative declaration to insure due process in the case. He noted that the appellant was a lay person who had depended on the staff of the Department to advise her about exact filing dates. Here the Department had accepted the appeal since it had been filed within 10 days of the mailing of the negative declaration. Also, it would expedite the entire matter by precluding litigation on a fine legal point if the Commission were to hear and decide the appeal on its merits. This would be in everyone's interest. Commissioner Bierman seconded the motion.

Commissioner Elliott couldn't overlook the City ordinance which seemed specific and definite. He noted that if the Commission were to overlook the obvious intention of the Administrative Code that the action would be subject to a possible legal challenge.

Commissioner Bierman said she was not an attorney and she believed that the wisest course was to take jurisdiction.

Mr. Passmore said that although the official letter of appeal from Mrs. Young was dated November 15, 1977, that she had spoken to members of the staff about her appeal on November 11 and 14, 1977.

Mr. Nemerovski reserved his client's rights in the matter. He said people are entitled to have rules followed by governmental agencies. This was a last minute obstacle thrown in which had nothing to do with the land use issue before the Commission. The landmark question had already been dealt with by the Landmarks Preservation Advisory Board. He urged that the Commission not exercise its jurisdiction because the appeal was filed too late.

The question was called and the Commission voted 5-2 to approve the motion to take jurisdiction and hear the appeal. Voting "Aye" were Commissioners Bierman, Dearman, Nakashima, Rosenblatt and Starbuck; voting "No" were Commissioners Carey and Elliott.

Mr. Passmore indicated that James R. Ritchie, an attorney, was present to represent Mrs. Young, the appellant, who was not present. President Rosenblatt noted that the Commission had been informed by Mrs. Young by telephone that she wouldn't be in attendance at this meeting but wanted her appeal heard at this time and he requested speakers to limit remarks to the appeal now before the Commission.

James R. Ritchie, speaking for Mrs. Young, said that the old building had been nominated for inclusion in the National Registry of Historic Buildings and that the various codes governing this case may change. He noted that there were two sets of costs involved, five million for a new home and ten million for rehabilitation of the old home. Once in the registry a building may not need expensive steel reinforcement but may be allowed to retain wood framing; this could substantially reduce the costs of rehabilitation.

President Rosenblatt requested that testimony on the appeal be relevant to the question of whether the Department's environmental review and negative declaration were sufficient or whether the Commission should require a full Environmental Impact Report. Also, comments on the question of whether the appeal itself was sufficient as to timing would be relevant.

Mr. Passmore said he had spoken at noon, a few hours previous to this hearing, to a deputy City Attorney who had said that nomination for the National Registry didn't change the environmental evaluation status of the old building, since there was no Federal financing involved which would require submittal to the State for its review. The environmental evaluation indicates that the Landmarks Preservation Advisory Board has been consulted in this matter already.

Howard Nemerovski, speaking on behalf of the Little Sisters of the Poor, said that the issue of the National Register was irrelevant as far as the appeal, and registry would have a zero effect with no impact on demographics or construction. He said the issue was of people's rights and the good faith of the appellant who had filed for the National Registry on November 21, 1977.

Commissioner Bierman understood that consideration of preservation for the old building went back at least two years and was not a recent development as Mr. Nemerovski suggested. She indicated that arguments about the good faith of opponents were not persuasive and she requested testimony be limited to the merits of the case.

Mr. Passmore said the issue was whether new information required that the negative declaration, not yet final, be amended before becoming final, or should be allowed to become final as is, or should be supplemented by a full Environmental Impact Report.

President Rosenblatt asked if there was anyone present in addition to Mr. Ritchie to support the appeal. No one responded.

Commissioner Dearman noted that the environmental evaluation had been filed with the Department two years ago. Mr. Passmore said that it had been filed with an earlier set of preliminary drawings. The material used for the recent evaluation had been supplemented with the material used in the applicant's presentation to the Landmarks Preservation Advisory Board.

Mr. Nemorovski noted that an updated environmental evaluation form had been submitted by the applicant.

Commissioner Dearman remarked that the new building would be lower than the existing building. Mr. Passmore said that the building proposed would be on three floors, which was considerably lower than the existing building.

Commissioner Bierman said that the appellant had enough questions about the project and filed the twenty-five dollar appeal fee, which meant the Commission couldn't ignore her appeal.

Mr. Passmore said it was the Director's recommendation that the appeal be denied and the staff position be upheld with the Negative Declaration having three sentences added to it as follows:

- replace the first sentence of the second paragraph of the discussion with the following:

"The 6.3 acre site is relatively level and contains a five-story brick building having a 'Georgian Revival' architectural style, dormer window on the fifth floor and surrounded by a landscaped yard."

- add to the fourth paragraph of the discussion:

"The Office of State Historic Preservation received, on November 21, 1977, a request to place this building on the National Register of Historic Places. The request is expected to be on the January 6, 1978 agenda of the State Historic Resources Commission which is advisory to the State Historic Preservation Officer."

With these additions the document should be adopted and issued and no E.I.R. be required.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Elliott and passed unanimously that the recommendation of the Director be adopted as City Planning Commission Resolution No. 7857 and that the appeal be denied, the position of the staff be upheld, and the three sentences be added to the Negative Declaration as recommended by Mr. Passmore.

Commissioner Starbuck remarked that the project had been exhaustively reviewed by the staff and the Landmarks Preservation Advisory Board and everyone appeared confident that an E.I.R. wouldn't be useful.

A standard cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

ZM77.16 - 300 LAKE STREET, NORTH SIDE, OPPOSITE THE END OF FOURTH
CU77.56 AVENUE; IN AN R-1 (ONE-FAMILY RESIDENTIAL) DISTRICT.
REQUEST TO CHANGE USE (ZONING) CLASSIFICATION OF THE
PROPERTY FROM R-1 TO AN R-2 (TWO-FAMILY RESIDENTIAL)
DISTRICT IN ORDER THAT THE APPLICANT MAY BE ELIGIBLE
TO FILE A COMPANION CONDITIONAL USE APPLICATION PRO-
POSING TO REPLACE THE EXISTING HOME FOR THE AGED WITH
ACCOMMODATIONS FOR APPROXIMATELY 120 ELDERLY PERSONS;
THIS USE IS FIRST PERMITTED IN AN R-2 DISTRICT. (EE76.79)

Robert W. Passmore, Planner V (Zoning), presented this case to the Commission using land use and zoning maps. He summarized a case report prepared for the Commission which described the project, the demolition of the existing home for the aged at 300 Lake Street operated by the Little Sisters of the Poor, and the building on the westerly portion of the six-acre site, a new three-level home to serve 120 indigent aged persons. Thirty parking spaces and a loading dock would be provided. The building would be 270 feet wide and 254 feet deep and would cover approximately 13.5% of the site. This neighborhood along Lake Street, developed with one-family houses and small apartment houses, is a one-family zoning district, and Fifth Avenue to the west is also zoned for and developed with one-family houses. The Landmarks Preservation Advisory Board failed to designate the existing building as a Landmark at its meeting on June 1, 1977 by a tie vote. The Planning Code allows a home for the aged as a conditional use in an R-2 and less restrictive zoning districts, but not in one-family residential districts; the applicant, Sister Regina, Superior of the Little Sisters of the Poor, was requesting a change in zoning classification from R-1 to R-2 to allow the conditional use application to be heard. Any action by the Commission on the conditional use would be contingent upon the final action of the Board of Supervisors on the reclassification. The environmental review had been completed by the Commission by its action on the item just

completed, the appeal of the negative declaration for the project.

Howard Nemerovski, the attorney for the applicant, introduced Sister Patrick of the Little Sisters, who summarized a lengthy statement she had prepared. She noted that St. Anne's Home gives care of a high quality to its aged guests and the order had spent over one million dollars to meet code requirements; however, recently enacted regulations have forced them to plan a whole new modern structure to replace the old building. Their State Certificate of Need expires June 1978 and they must begin construction by that time. It is Federal law which requires a new building. The order had tried to answer the many questions from those concerned and they hired Anshen and Allen to do a special study on the project. The members of the order had only one life work, to give quality care to the aged, day and night to their dying day. She said they and their guests had shared much love and it would be difficult not to be emotional at this hearing. She assured the Commission they had tried to save the old building and they appreciated and respected those who have so much respect for the cultural heritage of the City. But after years of serious consideration they had decided to demolish the old building and replace it with a new one. The order had served for seventy-five years on the site and wanted to stay another seventy-five; there had been no Commission when they started here. Now the issue was "brick and mortar versus human life".

Commissioner Bierman wondered if the Sisters had looked into the benefits which resulted from National Registry. Sister Patrick said the order had consulted with Dennis Dulin, 315 Forsythe, DeKalb, Illinois, who said there were no benefits from registry. Commissioner Bierman heard once that the Sisters were interested in saving the building.

Dennis Dulin, consultant, said that if the order were able to save the building they wouldn't propose anything else.

Howard Nemerovski said that serious efforts had been made to explore every possible tax and other benefit and subsidy.

Dr. Albert Shumate, member of the Landmarks Preservation Advisory Board, said that he supported the application and that discussion of registry was purely a delaying action, noting that the Landmarks Preservation Advisory Board had not voted to designate the old home as a landmark. This action was a selfish cruel delay.

President Rosenblatt introduced former Planning Commissioners Julia Porter, Thomas Mellon and Gordon Lau and welcomed them to the public hearing.

Derek Parker, architect for the applicant made a presentation to the Commission using slides, describing the proposed new home for the aged.

Mr. Nemerovski said that Mrs. Porter, Mr. Mellon, Mr. Lau and Nancy Pelosi were present in support of the application and he submitted a letter from William Coblentz, attorney, representing residents of Fifth Avenue in support.

No one was present to oppose the application.

Michael Bradley, resident at 210 Lake Street, said that he was not opposed to the project and that the Little Sisters of the Poor were fantastic neighbors. However, he wondered how detached had been the study made of the various alternative proposals costing from five to fifteen million dollars. If there was no way to preserve the wonderful old building then so be it.

President Rosenblatt said this question had been raised by the Commission and other neighbors and deserved an answer; the question did not indicate the position of the Commission on the application.

Mr. Parker said that a three-week study had been made to see if the old building could be saved. They retained the structural engineers who had renovated the Cannery and other buildings. The home could be rehabilitated and brought into compliance for between 5.2 and 10.7 million dollars. Of course, there would be increased operating costs to run the old building.

President Rosenblatt noted that the new building would serve fewer aged residents than the present building: 120 instead of 150. Mr. Parker responded that in his opinion as an architect, even if the applicant had spent three times or five times as much on studies that the results and conclusions would be the same. In the event the old building were retained, it would only be able to accommodate 90 residents and this would not be an efficient operating unit.

Totten Heffelfinger, resident at 37 Fifth Avenue, asked what happens if the change in zoning were granted and the applicant couldn't build the facility. What assurance is there that the property would revert back to single-family zoning.

Mr. Passmore answered that nothing binding could be done. In a project of this type, however, the neighbors, the staff and the Commission all monitor, and an entity or an individual could initiate reclassification to a one-family district in the event the applicant was no longer interested in the property.

President Rosenblatt asked how many residential units could be built on the property. Mr. Passmore said that at the RH-2 density standard approximately 200 units could be built.

John Kirk, a new resident of the area, said that it would be miraculous if the plan went through.

Mr. Passmore noted that 91 units could be built on the subject property at R-1 density standards.

Redmond Kernan, resident at 35 Sixth Avenue, asked whether the applicant could put a second building on the large parcel in addition to the existing home for the aged.

Sister Patrick responded by saying that she had spoken to the Mother Provincial this morning about the concerns of neighbors and had been told that because of the nature of their operation retaining the old building wouldn't work. The order had much experience in such matters with their many homes and the special intimate and skilled nursing they provided wouldn't allow for retention of the old building.

Mr. Nemerovski noted that adding a second building to the property would have the effect of doubling the density and would have a negative impact on the environment. He said Sister Regina had said, "We are not putting our residents in a backyard behind a large building".

Mr. Kernan noted the possible additional revenue that might be generated if two institutions, one for nursing care and one for general housing use were run on the property instead of just one.

President Rosenblatt asked for the staff's recommendation. Mr. Passmore replied that it was the staff's recommendation that the public hearing on the reclassification and conditional use application be closed and the matters taken under advisement until December 22, 1977, so that the Director, presently on vacation, would have a chance to review the plan. He remarked that the staff favored the reclassification and the project; he felt this action would allow the staff to consider further the retention of the existing building.

Mr. Parker responded that he had met before with Rai Okamoto, who had been very supportive of the low-rise building with the additional gardens proposed. He said he and the client have a difficult job and any postponement of a decision put them in jeopardy of losing their Certificate of Need.

Mr. Passmore suggested that the Commission consider acting on the reclassification which had to go on to the Board of Supervisors for enactment, while they took the conditional use application under advisement.

Mr. Nemerovski said this was a human issue and he urged the Commission to act on both applications. The issue of retaining the existing building had been considered many times and he read from Sister Patrick's statement.

Commissioner Rosenblatt said that the Commission could consider taking full testimony on the issue of converting the old building to elderly housing and retaining it. Commissioner Bierman said the Commission was faced with the issue of elderly housing frequently and it was a very difficult matter.

Commissioner Dearman said she was in sympathy with the Little Sisters and wanted to see the matter expedited, possibly by approving on condition that the old building be considered for reuse as elderly housing.

Mr. Nemerovski said this would kill the project because it would require a new environmental review and a loss of their Certificate of Need. The project would be blown out of the water; the applicant and the consultant had analyzed this issue already.

Commissioner Bierman asked who had been the consultant on this issue. Mr. Nemerovski answered that Mr. Dulin had been consulted, and added that the Sisters refused to put their new home behind the existing building. They would leave for that programmatic reason and retention would double the impact on the neighborhood. The Little Sisters had said they will phase out this operation from the City if forced to retain the old building and then six and a half acres would be lost for use for the elderly because of economics and the value of the property.

After discussion Commissioner Starbuck moved, Commissioner Elliott seconded, and the Commission unanimously adopted the staff recommendation to approve the reclassification as City Planning Commission Resolution No. 7858. President Rosenblatt remarked that this would allow the Board to consider the rezoning of the property expeditiously.

Thomas Mellon, former member of the Commission and a retired Chief Administrative Officer of the City and County, said that the home was a resource for the City. He said the Sisters had spent twenty-five thousand dollars to explore retention of the old building and had concluded they couldn't handle it. Requiring the use of the old building for housing would mean a whole new project and would cause the loss of financing. It wasn't realistic to spend ten million to save the old facade. Delay jeopardizes the project because of increased costs from inflation and then the City would lose a valuable resource.

Mrs. Julia Porter, a former member of both the Commission and the Board of St. Anne's Home, was sympathetic with the members of the Commission. She owns the property at 241 Lake Street across from the site. The open space provided by the St. Anne's Home is a great adjunct for the neighborhood; it houses 150 people without cars which reduces parking problems. Now there are 150 residents on the site with seven cars; if it were developed with houses it would be ninety houses with at least ninety cars, some in garages. She said that there are not facilities enough which give this kind of care around the clock. She said she understood that the staff would feel more comfortable if the matter were put over to enable them to work out a more perfect solution. But she hoped that the project wouldn't be impeded because the Little Sisters would leave San Francisco if they are not able to rebuild. She didn't know how the old building could be realistically converted to some other use and if this were required then the area would lose the open space provided and would have another ninety houses with accompanying parking problems.

After discussion, Commissioner Starbuck moved that the conditional use matter be continued one week with the understanding that the Commission intends to approve the application at the time a draft resolution is before them which fully lists the conditions to be imposed on the applicant. The motion was seconded by Commissioner Dearman. Mr. Passmore noted that a draft resolution and final plans could be ready for Commission consideration next week.

Commissioner Bierman was concerned that passing a motion of intention to approve the project would mean that the issue of retention of the old building would be unclear.

Sister Patrick said the applicant's mind would not be changed and they intended to take down the old building or leave the City. They had considered the matter thoroughly and are going to hold to their decision. Commissioner Bierman asked who their consultant had been and Sister Patrick said Mr. Dulin; the order had pooled all its experience from around the country.

Mr. Nemerovski asked that the Commission have a document prepared immediately that would grant the conditional use in substance; this would put aside the non-realistic issue of housing for the elderly in the old building. He asserted that the consultants use for the applicant's studies were suitable. He said that retention would double the footprint of the project and the Sisters won't do it.

President Rosenblatt said that if the Commission wanted to explain the issue of retaining the existing building for use as housing for the elderly that they would want to take testimony on that issue. Commissioner Bierman remarked that it seemed pointless since the

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applicant's mind was locked. She said that the Commission had only had this very beautiful old building before it for one and a half hours, which wasn't adequate for so big a decision. The Commission faces the problem of housing for the elderly all the time and in this case she felt ramrodded although she was sympathetic to the applicant.

Mr. Nemerovski said that doubling the occupancy of the property would kill the whole project because the applicant wouldn't do it and delay of the project leaves an issue apparently open which is in fact dead. He thought that the Commission, if it had confidence in its staff and Director, could adopt a resolution now on condition that the staff and Director would review final plans.

Commissioner Starbuck said that adoption of his motion would mean that the Commission intends to approve the application and that the public hearing on the issue of retention of the old building for conversion to housing for the elderly was closed. The date for a final vote would be in the hands of the staff and would be scheduled either on December 8 or December 22, 1977. The final vote would be on a draft resolution with conditions prepared by the staff for consideration by the Commission. It was understood that the staff and the applicant would continue to discuss the separate issue of the possibility of retaining the existing building for use as housing for the elderly. He explained how premature action by the Commission in such a case could be precipitous.

Commissioner Bierman said the housing for the elderly issue was still alive to her, although she didn't know whether there was a way to use the front building. Because she lacked data many questions remained for her.

Mr. Nemerovski said that the applicant would lose the Certificate of Need if an E.I.R. were required for a housing for the elderly project.

Commissioner Elliott seconded the amended and clarified motion by Commissioner Starbuck.

President Rosenblatt said that the Commission might want to consider the amended motion which included all that was said except further exploration of the housing for the elderly issue.

Commissioner Dearman restated the motion to express the intent of the Commission to approve the conditional use subject to design review by the staff and the Director of Planning with a presentation of an appropriate draft resolution by the staff as soon as possible and no later than December 22, 1977. Commissioner Nakashima seconded and the Commission unanimously passed the motion.

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At this point in the proceeding, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

EE77.230 - PUBLIC HEARING ON AN APPEAL OF THE ISSUANCE OF A NEGATIVE DECLARATION BY THE DEPARTMENT OF CITY PLANNING AND REQUEST THAT AN E.I.R. BE REQUIRED FOR A THREE-DUPLEX PROJECT AT VILLA TERRACE.

Robert W. Passmore, Planner V (Zoning), summarized a letter of appeal and a Department negative declaration which was the subject of the appeal. Copies of the documents were before the Commission; he noted that the appeal was filed by Marlene Mann, Rose Romeo and Gina Pennestri, of the Villa Terrace and Clayton Street Homeowners. The project sponsor of the three-duplex project was Rino Del Curto and the architect was Tak Enomoto.

The Commission then received and responded to comments made by members of the audience including Rose Romeo, an appellant.

At the conclusion of the public hearing, it was moved by Commissioner Starbuck and seconded by Commissioner Dearman that the determination of the Department of City Planning be overruled and a full Environmental Impact Report be required for the three-duplex project. After discussion Commissioner Starbuck withdrew the motion and moved instead to uphold the determination and also to require that the discussion and mitigation measures in the negative declaration be expanded by the Department so as to account for the concerns expressed by the appellants and discussed during the public hearing. Commissioner Dearman seconded the motion and it was passed unanimously as City Planning Commission Resolution No. 7859.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

The Commission recessed briefly and reconvened at 8:33 p.m.

ZM77.17 - VACANT PROPERTY ON THE EAST SIDE OF TWEN PEAKS BOULEVARD AND VILLA TERRACE BETWEEN 55 TWIN PEAKS AND 45 VILLA TERRACE, THROUGH LOTS WITH FRONTAGE ALSO ON CLAYTON STREET; LOTS 2, 3, 4, 5, 9, 10 AND 12 IN ASSESSOR'S BLOCK 2661; CHANGE OF THE USE (ZONING) FROM AN R-3 DISTRICT TO AN R-1-D DISTRICT; PROPOSED FOR RECLASSIFICATION TO RH-2 BY THE CITY PLANNING COMMISSION (EE77.317).

Robert W. Passmore, Planner V (Zoning), presented this case using land use and zoning maps. The proposal is the reclassification of the seven lots in Assessor's Block 2661 from R-3 to R-1-D or the proposed

RH-1-D House, Single-Family Detached District. The applicant is the Twin Peaks Improvement Association represented by James L. Fitzpatrick, President, on behalf of Sandra Christiansen and Rose Romeo, joint owners of property at 20 Villa Terrace, within 300 feet of the subject property. Lots 2 through 5 are vacant having last been used as a garden in connection with the apartment house on Lot 6. Lots 9, 10 and 12 are vacant except for a row of garages along Clayton Street which have been used in connection with the apartment house on Lot 6 also. The property totals approximately a half acre in two groups of lots on either side of an existing apartment house on Lot 6. Lots 2 through 5, total 10,123 square feet of area and Lots 9, 10 and 12, total 11,678 square feet of area. The property constitutes a small R-3 district with R-2 zoning across Clayton Street to the east, R-1 zoning across Villa Terrace to the west and R-1-D zoning across Twin Peaks Boulevard further to the west. In addition to the 13-unit building on Lot 6, these other lots in the R-3 area bounded by Clayton and Twin Peaks Boulevard are occupied by one-family dwellings and one by a two-family dwelling. Other development in this neighborhood is predominantly residential in conformity with the zoning. R-1-D or RH-1-D development of the property would permit four or five dwelling units. R-2 or RH-2 zoning would permit fourteen units and R-3 zoning would permit 27 units.

Jim Fitzpatrick, President of the Twin Peaks Improvement Association, made the following presentation:

"I will present testimony supporting the application for reclassification of zoning on the property in Assessor's Block 2661, Lots 2, 3, 4, 5, 9, 10 and 12.

"My presentation will be brief, but will include those items that I feel are essential to point out that any zoning other than RH-1-D is improper for this area.

"First, let me make a few general remarks about zoning and other planning matters. Then I will apply those remarks to this specific application.

- A. One of the prime purposes of the Code is protection and preservation of the neighborhood.
 1. Protection against overbuilding, overloading a site with unsuitable density, and also protection against increased traffic.
 2. Preservation of the peace and tranquility of the neighborhood.

3. Preservation of property values for those prior residents who have a vested interest.
- B. The staff of the Planning Department is to be commended for the care and consideration given to drafting the amendments to the Code. Many articles are included which provide for retaining the existing character of the neighborhoods. These include special items pertaining to scale, texture, height, setbacks, landscaping, interrupted curb space, and lot coverage.
- C. The Code and the zoning maps are defined as following the established pattern of land use in the neighborhood.
- D. Following provisions of the Urban Design plan adopted in 1971 as part of the San Francisco Master Plan, the new Code should protect the livability and character of residential properties from intrusion of incompatible new buildings. New developments should not substantially increase the traffic and noise level.
- E. Furthermore, neighborhood associations are encourage to participate in planning, even beyond the scope of public regulation, to maintain the established character of the neighborhood. You are seeing this process in action today.
- F. New developments must be environmentally sound.
 1. They must not inhibit the safety of the neighborhood either by increasing the fire hazards, or traffic conditons.
 2. They should not visually impact the area.
 3. They should not cause substantial increase in noise.
- G. Lastly -- the applicable zoning of an area must be for the general good of the residents.

"A zoning committee was formed several months ago by TPIA to study the existing land use in its area which includes Villa Terrace. It is to recommend to the membership of our association action for rezoning. The results of the field work on this study have been tabulated and show an overwhelming majority of RH-1 and RH-1-D units in the entire area.

"Confining the discussion at this point to the area immediately surrounding the property in question, you can see that 49 lots or 60% of those on this map are occupied by single-family units and 17% are vacant.

"Zeroing in on Block 2661, 50% of the lots are occupied by single-family units and 35% are vacant.

"Taking the entire neighborhood within TPIA boundaries, of the total 328 lots, 62% are occupied by single units and 20% vacant. This is primarily an RH-1 or RH-1-D neighborhood.

"The houses on the east side of Villa Terrace generally are one story over garage level, not exceeding 2 floors above street grade -- even the 13-unit apartment is only 2 stories above grade.

"Any duplex development, most of necessity put a full line of garages at street grade and two levels of living above because of the small lot sizes. Duplexes would overload the site with units out of scale with the others on adjacent lots.

"Duplexes would increase the traffic and noise problems for residents who are inherently protected on the west by the slope from Twin Peaks Boulevard and on the east by being up-slope from Clayton.

"The 15-foot width of the street is not improved adequately to carry heavy traffic.

"Fire trucks cannot enter the street. Describe contingency fire fighting plan. Any construction will further create a hazard. We want to minimize this hazard with lowest density development.

"Most of the existing homes on Villa are single-family, detached. Any multiple units will be incompatible with current development.

"There is a tradition of open space on this property presenting magnificent vistas to the East Bay. Any units will detract from that privilege. But the smallest units will be incompatible with current development.

"The RH-2 zoning for Block 2661 appears to be gerrymandered in that it is surrounded on the east, south and west by RH-1.

"What we have presented here is our evidence that preservation and protection of our neighborhood would best be served by assigning the proper zoning designation to this property matching the existing character of the developed properties immediately surrounding it.

"The lowest density possible will serve to maintain the atmosphere and charm of this narrow 15-foot lane.

"It will maintain property values and also, with quality development, enhance the interest that the present residents have.

"It will provide the lowest possible impact on the environment from the standpoint of fire hazard, pedestrian safety, traffic and noise.

"In conclusion, for the general good of the neighborhood and to recognize the principle land use, RH-1-D is the proper zoning for this property."

President Rosenblatt asked for a show of hands from those in support of the application and several dozen persons responded. Then he asked for a show of hands from those opposed and four persons responded.

Charles Morgan spoke against the reclassification and said he has a large picture window looking out from Clayton Street.

James Raglan, a retired battalion Chief of the Fire Department, said he had worked as a fire captain in this area for ten years. In his opinion there was no difference as far as fire fighting was concerned whether the property were zoned for one-family or two-family houses.

President Rosenblatt asked if anyone else in the audience wanted to speak and no one responded.

Mr. Passmore said that the Director's recommendation was to continue the matter pending the preparation of the expanded negative declaration for the three lots proposed for development with three duplexes. He noted that both R-1 and R-1-D district density standards would allow the same number of dwelling units; R-2 would permit 14 units and not seven; R-1-D would require the lots north of the 13-unit apartment house to have side yards. Under the application the

Commission could either approve R-1-D or disapprove the application. No intermediate district could be considered. The Commission would have to initiate an intermediate district if it wanted to reclassify the property to R-1 or R-2.

Commissioner Bierman thought that the present zoning is too dense for the corner which was very dangerous. Too many cars there would mean trouble from driveways on a narrow street with poor visibility.

Tak Enomoto, architect for the three-duplex project, said that he opposed the reclassification and felt that the application was a misuse of the zoning ordinance because the contiguous development was an apartment house on the left and a two-family house on the right. The developer had shown good faith by proposing a total of six units when the zoning would permit eight units.

Mr. Passmore remarked that the area was characterized by single-family houses as shown by the Twin Peaks Improvement Association map. The Commission could initiate a study by the Department to consider reclassification to RH-1 on the proposed residential zoning map, with this matter continued indefinitely.

After discussion, Commissioner Bierman moved, Commissioner Dearman seconded, and the Commission unanimously passed a motion to continue this matter indefinitely and to direct the staff to initiate a study of RH-1 zoning for the proposed residential zoning maps for the seven lots on Assessor's Block 2661.

The Commission recessed for six minutes and reconvened at 8:58 p.m.

EE76.320 - PUBLIC HEARING TO RECEIVE COMMENTS ON AN ENVIRONMENTAL
R77.1 EVALUATION, A NEGATIVE DECLARATION ISSUED BY THE
DEPARTMENT OF CITY PLANNING, AND A DETERMINATION THAT
A MATTER DID NOT AFFECT THE MASTER PLAN FOR AN EN-
CROACHMENT ON A CITY-OWNED EASEMENT FOR VEHICULAR
ACCESS TO SERVE NEW DWELLINGS ON BRET HARTE TERRACE.
(HEARING REQUESTED BY STREETS AND TRANSPORTATION
COMMITTEE OF THE BOARD OF SUPERVISORS.)

Robert W. Passmore, Planner V (Zoning), read to the Commission the following letter dated October 28, 1977, to the Director of Planning, received from the Clerk of the Board of Supervisors:

"On October 27, 1977, the Streets and Transportation Committee had a second hearing regarding granting permission to Tak Enomoto, revocable at the will of the Board of Supervisors, to occupy a portion of the street area of Bret Harte Terrace, north of Francisco Street, to encroach upon the easement area and to remove portions of the retaining wall along Bret Harte Terrace for access to parking decks.

"The Committee feels that the Negative Declaration of September 3, 1976 and the Environmental Evaluation of August 20, 1976 do not address themselves to the concerns which have been brought up to the Committee. Because of this inadequacy, the Committee respectfully requests a new Environmental Evaluation of the project, with meetings held to permit input by neighbors who have been properly notified of the meetings.

"A list of neighboring property owners is attached for your convenience in notifying them of meetings.

"It will be appreciated if these meetings can be held as expeditiously as possible."

Mr. Passmore explained that the referral from the Department of Public Works had been handled administratively by the Department which found that the proposed encroachment on the public right-of-way of Bret Harte Terrace would not effect the Master Plan. The negative declaration had been for three Duplexes on Lots 20, 21 and 22 in Assessor's Block 44; these would be two-family, two-story dwellings which were in conformity with the R-3 and proposed RH-2 zoning districts, and appeared to be in harmony with the neighborhood. This matter had been calendared for hearing by the Commission on November 2 and 10, 1977, and had been put over to this time at the request of attorneys for both sides.

Mr. Passmore noted that this was an unusual hearing and he listed the following elements to be considered:

1. The negative declaration for the duplex project had become final and the appeal period on that determination had ended. However, if new information or material came to light or conditions had materially changed then the Department could require a new environmental review. The Board Committee was asking the Department to conduct a public hearing to receive comments on this matter. The Commission would hear the testimony but had no jurisdiction nor was it required to act.

2. The encroachment on a public right-of-way made necessary by the parking deck for the duplexes was the subject of the Master Plan referral required by Charter. This had been handled administratively by the Department because there had been no concerns at that time. The case was received from Public Works January 6, 1977, and was returned to that Department January 12, 1977, with a finding that it "did not affect the Master Plan". Because there is now public concern being expressed, this referral matter is before the Commission, which could find that the project is consistent with, is not consistent with, or does not affect the Master Plan.
3. The Environmental Evaluation and plans submitted for the three duplexes show only five spaces while the Code requires six spaces, so there will have to be modification of the plans. Nothing in the Master Plan would preclude an easement over the public right-of-way, he noted. The Department would take testimony from those concerned with the negative declaration and at the same time the Commission would hear this testimony to make a finding on the referral.

Steven Leonoudakis, an attorney representing some of the residents of Bret Harte Terrace, said this hearing was for another review of the concerns of the neighbors for a report to the Streets and Transportation Committee which would then recommend the granting of the encroachment permit or not. He said it was called a "revocable" right but actually once the thirty-six ton parking deck was built, it would be "irrevocable". The easement would permit ingress and egress from Bret Harte Terrace to the adjacent parking deck for the flats proposed to be built on the east side of the terrace. He used maps to illustrate the existing Bret Harte Terrace development and noted that the development began in 1935 when a house was built for A. P. Giannini's mother. The Supervisors' Committee had sent this current matter to the Commission for additional input and for advice. The residents feel that that the deck and easement would not meet City codes and would have a significant detrimental effect on the environment of Bret Harte Terrace. There would be a substantial detrimental effect on the ambient noise level of the street.

Commissioner Bierman asked whether the project would block any view. Mr. Leonoudakis responded that surface views would be affected. People would lose the pedestrian promenade views. He submitted to the Commission a copy of a deed for the property with the words "no sales" emphasized. He noted that when the property was conveyed the City appeared to intend that the views would be protected. Now the applicant was asking the City to give him the right to build over the street in order to enhance the value of the steep sloping lots, at the cost of a detrimental effect on the neighborhood. The permit will not be "revocable" once the 36-ton deck is built.

Commissioner Bierman wondered about the ownership of the property. Commissioner Starbuck asked if there had been any discussion of a sale of property or had the parties only considered an encroachment permit. Mr. Leonoudakis said that there had been a discussion of sale with the Director of Property who said the City would have to vacate the street; a letter concerning this was in the file of the Streets and Transportation Committee.

Commissioner Dearman asked whether the residents would complain if the project were down the hill. Mr. Leonoudakis said they wouldn't be concerned then. She asked whether it was the structure or the easement that concerned them and Mr. Leonoudakis said just the structure.

David Flynn, representing some neighbors on Bret Harte Terrace, explained that their concern was that people who had bought there, over the years, thought their views were protected. Using a map he described the view of the Bay and Fisherman's Wharf. In 1938, the street was dedicated by the Cuneo family and A.P. Giannini. In 1935, the land was in four large parcels owned by the Bank of America and Cuneo; ultimately the land went to the Bank as trustee for the Giannini interests. A street was put in and a restriction against any structure which might block views was put on the property. When a resident asked whether they were guaranteed their view the answer was always "yes". Everyone relied on this and it created the neighborhood environment. There is no question that the project will block views of present residents of Bret Harte Terrace. Mr. O'Brien would testify about view blockage.

Jack O'Brien, resident at 745 Francisco Street, said he built the corner building in 1948. The plan included a little bay window with an eighteen-inch overhang over the twelve-foot City easement and it was disapproved. He willingly went along with the order and revised the plan so that the wall is flush and there is no overhang. He hoped that the adjacent property owners would be treated with the same strictness as he had been.

James A. Lew, resident at 55 Bret Harte Terrace, made the following statement:

"I wish to thank you for allowing me to appear before you to present those views and concerns of the people who live on Bret Harte Terrace and the immediate area, views and concerns which should be taken into account in the conduct of the environmental impact re-evaluation as it relates to the three-duplex development on lots 20, 21, and 22 of Block 44.

"Rather than being general, I shall confine my comments to the evaluation criteria used and completed by the Department of City Planning and that prescribed by the Department for completion by the prospective developer, as it was those evaluations that were used in arriving at the Negative Declaration. My comments, I hope, will help to identify certain environmental problems.

"I would like to add one more comment before I discuss those specific factors that were not treated appropriately for an urban setting in the initial environmental evaluation - and that is - both the National Environmental Protection Act and the California Environmental Quality Act were written initially to address environmental problems in wilderness and rural settings. They were natural resource oriented. They have not been adapted to deal with problems in an urban setting and more specifically they have not been adapted in toto to deal with problems found in the City of San Francisco, where there are many narrow streets and dead-end street areas, with many small lots fronting those areas. That pattern of use has led to the present over-crowding and presents problems of safety and access. The format used in the evaluation does not come to grips with the problems found in the City and in particular neighborhood areas. Thus, criteria needs to be developed to deal with the problems of the urban areas.

"The following comments are made in order as they appear in the Negative Declaration, dated 3 September, 1976.

"1. Page 1, 4th paragraph of Statement of Reasons to Support this Finding:

"This paragraph states that the proposed development 'would not block views from neighboring properties. Therefore, the proposed project could not have a significant effect on the environment.' This statement is not true for the following reasons: 1) It would block or substantially do away with the views of three properties (housing 5 dwelling units) located on Francisco Street. These are 740, 734 and 728 and 726. For your information, when these homes were built, they were built with the living and dining areas in the back, so as to take advantage of the view. 2) In addition, the location of the proposed development would block off the view on the east side of Bret Harte Terrace for two groups of people: a) for all of those who walk in off of Francisco Street and b) those who currently

live on the street. Those who walk in off the street do so to obtain a view of the Bay, the Fisherman's Wharf area, the northern part of the Embarcadero and the Coit Tower area. In this respect, the proposed development would have a significant and substantial effect on the environment as the paragraph concludes that if no view is blocked, it is not significant; thus, if a view or views are blocked, then it must be significant.

General Information on Forms Completed by Applicant,
Item D--Existing Zoning District.

The area is zoned RH-2 and not R-3 as indicated. This was accomplished in 1976.

"3. II, Project Description.

"ITEM 2-- Change in scenic views or vistas from existing residential areas or public lands or roads. This item was marked NO. This is not true. The location of the proposed development will block or affect substantially the view of three properties located on Francisco Street, Nos. 740, 734 and 728, 726. These houses were built with the living areas in the back of the house to take advantage of the view of the Bay and Fisherman's Wharf to the north. It would affect in a total and detrimental way the view from the street level of Bret Harte Terrace--a public street. The proposed development would forever close the view of Fisherman's Wharf and the northern portion of the Embarcadero and the Bay, and Coit Tower area for any San Franciscan who chooses to walk in on the street to view these areas, and it would do the same for any tourist in San Francisco. It would also preclude the use of this area for filming those areas when films are made in the area for certain views of the Bay and Coit Tower. Thus, the effect from a view and environmental point of view would be significant.

"ITEM 3. Change in pattern, scale or character of general area of the project. This item was marked NO. It should have been marked YES for the following reasons. The addition of 3 duplex buildings having 6 units, represents a 33-1/3 percent increase in the number of buildings, a 30 percent increase to the number of dwelling units, and an approximate number of 12 persons to the present number of 29 residents is a 41 percent increase

in the number of people. While the number may be small, the areas to which they are being added is also small, so the impact is significant for those reasons.

"ITEM 6. Change in dust, ash, smoke, fumes, or odors in vicinity. This item was marked NO. It should have been marked YES for the following reasons. The proposed development would add at least 6 cars to the area to the present 21 cars on the street--an increase of 28.5 percent. For small areas, this is a significant change and so would increase the level of noise, smoke and fumes and air pollution of the area. This is due in part to the fact that the building planned would close off an area and confine the exhaust fumes in an alley. Further, the proposed plan would take away the only 3 legal parking spaces that are in the Terrace presently. For a through street to have this happen would be bad enough, but for a narrow dead end street, the results are a significant decrease in the environmental quality of the area.

"ITEM 8. Change in existing noise or vibration levels in the vicinity. This item was marked NO. It should have been marked YES for the following reasons. There would be an increase in the noise and vibration levels due to the increase in number of automobiles and concomitant visiting autos and service vehicles. Given the very presently congested area and the fact that there would be no legal parking areas in the Terrace, the noise caused by angry residents blowing their horns to get people illegally parked in their driveways could cause the noise and tempers to rise to intolerable levels.

"ITEM 11. Change in demand for city services (police, fire, water and sewer, etc.) This was marked NO. It should have been marked YES for the following reasons. The proposed development would result in an increased demand for police, fire, water and sewer services, otherwise how would they obtain these services. But the greatest demand will fall upon the Police Department and mainly that Department that enforces Parking violations. The parking configuration proposed by the developer is impractical and unworkable. The spaces that park in an east-west orientation are so narrow that a person would not drive his car into the stall-when this happens, the person who is supposed to park north/south (parallel) would not be able to get his car in, so what will they do--they will park perpendicular to the street and by

doing so will have their cars protruding on the street proper by 2 to 3 feet or they will park anywhere; but if it is on the Terrace, they will be blocking driveways. An additional note is warranted: even if the east-west parking car did go in as far as possible, the parallel parking car still could not get into his space without difficulty. When this happens, you will see who is going to get the telephone calls. Because the proposed development has an ill-conceived parking plan, it will shift the burden of enforcement over to the city. This will change the environment to one where people get along to one where they will be at each other's throats over the blocking of driveways. This happens to a certain degree now; one can only imagine what will happen when 6 more cars are added and the only three legal spaces taken away. This aspect of the development would affect the environment--that environment between people in the most significant and detrimental way.

"A. Environmental Setting. This paragraph calls for the following: Describe the project site before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or SCENIC ASPECTS. Describe any existing structures on the site, and the use of the structures.

"Attach photographs of the site.

"The response to this element was that the site is vacant and downslopes towards the east approx. 45%. Soils shale-sandstone. No cultural or historical value to the site. No animals habitate and no significant plants exist.

"We invite you attention to the fact that the response is totally silent on the matter of SCENIC ASPECTS. The project site is located on the east side of Bret Harte Terrace, which is presently open and vacant. It is 100' X 82' when the 12-foot easement is included. The area in question is downsloping and as such offers to anyone walking in on the street a view of the Bay, the Fisherman's Wharf Area, a portion of the Embarcadero and the Coit Tower area. This street on occasion is used for location filming because of its scenic aspects when a particular scene is desired that is typically San Francisco, such as Coit Tower. The proposed development which can only proceed with certain encroachment permits would eliminate the SCENIC SPECTS of the neighborhood.

"B. Describe the surrounding properties--again this paragraph calls for information on the SCENIC ASPECTS. All this response says is that the surrounding neighborhood is multi-family.

"An evaluation of the scenic aspects is called for again in this paragraph. The scenic aspects as described above are appropriate for this paragraph as well and in addition the scenic aspects are enjoyed by all the present residents of the area as well as San Franciscans and tourists alike.

"Environmental Evaluation (to be completed by Dept. of City Planning)

"ITEM 2. Does the project have a substantial and demonstrative negative aesthetic effect? The response by the Department of City Planning was as follows: The architecture would complement neighborhood buildings; view would not be blocked.

"This statement is not true. The proposed development would substantially block or eliminate the north oriented view of three properties on Francisco Street--Nos. 740, 73 and 728, etc. In addition it would eliminate the view of the Bay, the Fisherman's Wharf area and the Coit Tower area from the street level of Bret Harte Terrace. This view is enjoyed by all who walk in the street and as well those who live in the area. Elimination of the view would have a significant detrimental effect on the atmosphere and environment. It would turn a rather delightful street into an alley.

"ITEM 6. Does the project result in a substantial detrimental effect on air or water quality, or on ambient noise levels for adjoining areas.

"This item was marked NO. It should have been marked YES. As indicated, in another response, the proposed development would do the following:

- "Increase no. of buildings by 33-1/3 percent
- "Increase no. of dwelling units by 30 percent
- "Increase no. of people by 41 percent
- "Increase no. of cars by 28.5 percent.

"Increasing the number of elements by this magnitude would affect the ambient air quality, as the number of automobiles would be increased by 28.5 percent; and when visitors and service vehicles are added, the effect is greater. As

far as noise is concerned, the proposed plan of development will eliminate the three legal spaces that are presently on the block. This will cause more illegal parking and blocking of driveways--and it will result in more driving around in search for a parking space--all of this will cause more noise and more degradation of the ambient air quality, and it will cause an increase in the use of fossil fuel.

"ITEM 10. City Planning.

"Other factors of significant secondary consequences. The Department of City Planning response was: The added traffic might be noticeable in the cul-de-sac, but not constitute a significant impact.

"The response of the Department of City Planning understates the impact and does not take into account the impracticable parking configuration and the impact of that configuration. It must be pointed out that at present there are only 3 legal spaces on the block and that the proposed development will eliminate those. There are now 5 cars over the number of available garages. The street is used daily as a parking area by the students of the California Art Institute and the spillover customers from the Tower Record Store. The parking configuration as proposed by the developer is ill-conceived and will not work. The arrangement is too difficult to make it possible and because of this the prospective tenants will not park as shown by the developer. They will park perpendicular and when that happens, the cars will protrude out on to the street by 2 to 3 feet. And when visitors come to visit, who knows where they will park. Thus, the secondary impacts from this aspect alone are rather significant.

"The proposed development will cause 3 homes on Francisco Street, Nos. 740, 734, 728-26 to lose or substantially eliminate all of their views to the north. What effect this will have on their assessment values is difficult to predict. In addition to the loss of those three views, the view from the street level of Bret Harte Terrace would be lost also. This view is enjoyed by a substantial number of tourists and San Franciscans alike. Further, since the street is used for locational filming, the proposed development would eliminate that use of the street forever.

"ITEM 11. Mandatory Finding of Significance. Does the project have the potential to degrade the quality of the environment or curtail the range of the environment? This

item was marked NO. It should have been marked YES. The location of the proposed project offers a variety of views and includes the Fisherman's Wharf area, a portion of the Embarcadero, the Bay and the Coit Tower area. The proposed project would rise 12 to 15 feet off the street level of the Terrace and by so doing eliminate all of the views that can be enjoyed by anyone walking in on the street. It would eliminate a certain amount of open space in a small area and close it with buildings. This is a degradation of the quality of the environment. What is more aesthetically pleasing to look at the back of buildings with cars parked in front of those backs or an open space and things like Coit Tower, the Bay and the northern waterfront? The choice is obvious--the proposed development will curtail the range of the environment. An important element to bear in mind, is that the City has the power to make a choice to at least maintain the range of the environment rather than to destroy it.

"ITEM 12. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental growth? This item was marked NO. It should have been marked YES for the following reasons. The proposed development would achieve the short-term goal of having the proposed development constructed and the developer making his profit and leaving. And this would be to the disadvantage of long-term environmental goals. It would eliminate an area--an inspirational point type area from the City forever. This street and its accompanying view is enjoyed by many people--not only those who happen to live on the street. It would eliminate a location for on-site film making. This area is used for locational filming when certain vistas of San Francisco are desired. This would never be possible again with the proposed development.

Parking difficulties: The proposed development has an ill-conceived parking configuration. It is not an operational configuration and because it is such, the problem of people and cars and parking those cars will be with us long after the developer has taken his profit and departed. For a few specifics that are relevant to the parking orientations--three park east-west and three park north-south. The developer's plans indicate that those who park east-west have a space that is 8 feet 9 inches wide by 6 feet deep. The width would allow 1 foot 3 inches on each side of the car. This would not be enough space to open the car door. Consequently, the driver would not drive in that far. In addition, if this car sticks out further, then the problem of the parallel parker (north-south) is made much more difficult. As a consequence, these persons would either park diagonally or perpendicularly

in order to minimize the difficulty of parking and the inconvenience of parallel parking and to maximize the area for parking. As a result, those cars would be protruding into the present street proper by some 2 to 3 feet depending upon the length of the car and the proximity to the buildings that they place those cars.

"Degradation of the Environment: It would cause in a very small area a significant increase in dwelling units, people and cars. While dwelling units and people may not be bad, the third element of cars in a dead-end street would be to the long-term disadvantage of achieving environmental quality, and while the degradation in the ambient air quality will be bad, that would be nothing when compared to the relations between people in the area who will always find some one illegally parked in their driveway or a nearby driveway so that they are not able to get their cars in or out of the garage. In all of these evaluations we should not forget, that people and the relations between them are part of the environment as well.

"ITEM 13. Does the project have impacts which are individually limited, but cumulatively considerable? This item was marked Yes. It should have been marked YES. The following are some of the impacts which when taken by themselves do not have a significant impact but when integrated have a substantial impact on the environment.

"1. Granting an encroachment permit on the 3 feet 6 inch right of way, in and of itself, the impact probably is not significant. 2) Granting an encroachment permit on the 12 foot easement upon which no structure is ever to be erected as per pages 58, 59 Book N. Recorder's Map Books, impact probably not significant. 3) Allowing the proposed project to be built as proposed, the impact becomes significant and considerable as the effect of that action is significant. The action of construction triggers a number of impacts all of which will have a long-term effect on the environment and neighborhood. A) It will cause three properties, with 5 dwelling units, on Francisco Street to have their views altered to their considerable detriment; B) It will close off the view from the street level of Bret Harte Terrace of the Bay, Fisherman's Wharf, and the Coit Tower area; C) It will increase the density of people and cars in a relatively small area by 4 and 28 percent respectively; D) It will increase the burden of traffic violation enforcement on the City because of the ill-conceived, impractical parking configuration. Thus, the impacts are upon air, light, and view; it is upon scenic resources that are and can be enjoyed by all tourists

and San Franciscans alike and occasionally by a larger number when locational filming takes place on the Terrace. E) On a local level, it will turn a street which is open on one side into a relatively narrow alley, taking away that open feeling and converting it to one of relative confinement. Thus, the impacts when taken together are considerable and all detrimental.

"SUMMARY

"In summary, we find that the Negative Report was not properly arrived at, based upon a consideration of all of the factors involved. And if the criteria set forth in the Summary is used, then it must be concluded that the proposed development would have a positive environmental impact on air, light, view, ambient air quality, on parking, on congestion, on noise levels, on the increase in use of energy, primarily gasoline and oil associated with more police cars to enforce parking violations, and a change in the whole setting of the area--from a relatively pleasant street with a view to the east to a relatively narrow alley. And in addition, it would eliminate the view of the Bay, the Fisherman's Wharf area, the northern portion of the Embarcadero and the Coit Tower area. Because of these significant environmental impacts, we respectfully request a reversal of the previous action."

Mr. Passmore said that this testimony would add to the information available to the staff. The site had been investigated by the staff, but the current testimony seemed to indicate a difference in judgement on the part of the staff and residents, both of whom used the same information given by the applicant. The appeal period was over for an appeal of the negative declaration; however, if new information became available or the plans were changed then a new evaluation could be required.

Commissioner Bierman asked if the determination were wrong, what would happen. Mr. Passmore said that the negative declaration was a closed matter for both the Commission and the Department assuming no new information or revised plans were introduced. This hearing had been required by the Board Committee and if the negative declaration has to be revised because of testimony then the Commission would consider the revocable permit for a recommendation to the Director for his response to the Board which reviews revocable permits.

Mr. Leonoudakis said this was evidently a case of first impression and there are no ground-rules for the procedure. The Committee of the Board was saying that the Commission should review this

because the staff had said that the project wouldn't affect the views of the neighbors. The neighbors feel, as Mr. Lew says, that their views will be blocked and the negative declaration is wrong. You can stand there and see how the views will be blocked. When some report is that inaccurate in material and salient aspects of the evaluation, then the Committee, Supervisors Feinstein, Francois and Gonzales, say send it back to Planning. Obviously there is something wrong with this environmental review. The parking scheme won't work, yet the review says it will work. It looks like the staff answered the questions according to the data supplied by Mr. Enomoto and not from an objective point of view.

President Rosenblatt asked Mr. Passmore if he had more information than the staff had before that would cause him to require a new review. Mr. Passmore responded by saying that the negative declaration should be modified in terms of adding the testimony just received and made part of the minutes; the minutes would be attached to the negative declaration. Unless we find that the new information results in the Department having to say that there is a substantial change in environmental effect from the project, then no new environmental evaluation need be done. Conditions have not changed since the staff review. Now we have testimony that the views will be blocked.

Commissioner Dearman asked about the revocable encroachment permit process and Mr. Passmore described the process involving the Department of Public Works, the Master Plan referral to the Department and the action by the Board of Supervisors. The revocable permit could come before the Commission which could say the revocable encroachment permit was not consistent with the Master Plan; then the buildings could still be built and would not be required to have off-street parking since they are topographically inaccessible for cars. The building permit applications could come before the Commission under its power of discretionary review. The permits have not been issued on the project. The buildings could be built behind the easement but would not have access for cars unless the easement were granted by the City as a revocable encroachment permit. The steep downhill slope means you can't get an automobile in without building a bridge-like deck structure.

Mr. Leonoudakis said the Committee wants a new recommendation based on the input of the residents.

Mr. Passmore said that although everyone may disagree with them that the facts remain the same as when the staff review was made and that what was probably in order was a recommendation from the Commission on the revocable permit for the easement.

Commissioner Bierman said she was uncomfortable with the late hour, 10:00 p.m.; there were people in the audience who had been waiting since 6:00 p.m. to testify on a matter not yet called and she thought this matter had been given sufficient time. Mr. Leonoudakis asked that the Commission submit to the Committee of the Board its advice that the petition for the encroachment on the easement be denied and that the Committee take no action that would in any way permit or allow the City property to be used in any way to allow access over it.

President Rosenblatt asked whether it was agreeable to this applicant that the issue of the negative declaration be avoided and that the testimony given should be added to the negative declaration.

Commissioner Bierman felt the developer should prove whether the views would be blocked. From where she stood it appeared that angled views would be affected.

President Rosenblatt requested that a member of the staff go out with Mr. Leonoudakis and Mr. Morgan, a representative from both sides, to review the specific items and to come back and report to the Commission what they find. Not in the context of the environmental evaluation or a negative declaration but rather as a request for a report to this Commission on the discussion before it. At that point the Commission can then consider what its recommendation will be in respect to the proposed encroachment.

Mr. Passmore said he thought that this was the best solution and was completely feasible.

Mr. Leonoudakis said he had two more witnesses for his side with some brief testimony.

Mr. Morgan, attorney for the applicant, said the same thing had happened before the Board of Supervisors Committee when the opponents had presented their case, the Committee had gotten tired and had more items to hear on their calendar, and the project sponsor did not get a chance to speak. His side was agreeable to do what had been requested because they felt they could demonstrate everything that had been submitted in the environmental evaluation. The problem was that the whole thing had been distorted and had become emotional. His client owned the land and the City holds the easement. His client has the right to use the land with certain exceptions. Mr. Enomoto has put all his assets on the line with this project.

President Rosenblatt remarked that the equities of the issue be brought to the Commission after the requested report was submitted.

Mr. Flynn said that the easement was there for several reasons. If the retaining wall ever has to be repaired the only way to do so would be to tear down the proposed structure and who will pay for it.

Mr. Morgan answered that there was a million dollar bond put up by Mr. Enomoto, which would assure maintenance of the wall. There is a letter from the City Attorney which explained this matter.

President Rosenblatt asked that this matter be taken up in the report that was to be made to the Commission.

Tak Enomoto, the project sponsor, said he would make a brief statement relating to the environmental issues. He read to the Commission a letter from a civil and registered traffic engineer, James B. Lubin, as follows:

"Reference is made to the proposed development of three duplexes on Bret Harte Terrace in San Francisco for which a permit application is now pending (PA #'s 459263-5). It is my understanding that the development is planned for the east side of Bret Harte Terrace beginning approximately 100 feet north of Francisco Street and each building will consist of a two bedroom unit and a one bedroom unit.

"I have reviewed the proposed development plan and inspected the project site. There are presently 20 dwelling units which access Bret Harte Terrace, which is a dead end street connected to Francisco Street. Francisco Street is one block south of Bay Street, a major thoroughfare, is interrupted at Leavenworth Street, and therefore functions as a local street with no through traffic. Based upon my investigation, it is my opinion that the proposed addition of six units on Bret Harte Terrace will have no significant impact upon the local environment with respect to the increase of traffic and related noise, air pollution, and safety in the area. The proposed development will not interfere with the ability of the residents adjoining the site to enter or leave their existing parking facilities; furthermore, since the curb fronting on the project site is painted red and signed for no parking, no loss of on-street parking will result."

Mr. Enomoto said that regarding the view that Mr. Tatarian, the Director of Public Works, lives across the street and they had discussed the project and agreed that no views would be blocked. We stood in front of his window and looked out. We viewed the extreme

external perimeter of the building because he doesn't want to lose his view of the water. A surveyor even checked the elevations of the existing buildings and the project won't block his water view.

Commissioner Bierman asked if Mr. Enomoto had also gone to the residents of Francisco Street who would be affected and he answered in the negative. Mr. Enomoto said that he thought Mr. Tatarian was a spokesman.

Commissioner Bierman said she had visited the site last week and it seems apparent that views from two dwellings would be blocked.

Mr. Enomoto said that the buildings would have a large rear yard so that views wouldn't be affected. His first story would be below the adjacent properties.

Mr. Morgan said he realized his client wouldn't be heard this time on the easement issue but he wanted to be heard at some future time.

President Rosenblatt explained the procedure to be followed by the staff and described the report to be made to the Commission at a future hearing. At that time it would be appropriate for both sides to address their disagreements on the environmental review, the field trip and the encroachment.

Mr. Morgan said that his side had never had a chance to present their case and requested that his client be allowed to be first at the next hearing on this matter. Commissioner Bierman said that the Commission would certainly listen to his side. President Rosenblatt said that the applicant would be heard first next time.

Commissioner Dearman moved, Commissioner Bierman seconded, and the Commission unanimously voted to continue this matter indefinitely to allow for a site inspection with representatives of both sides and a report by the staff.

DR77.63 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 7710704 FOR CONVERSION OF A GIFT SHOP INTO A
RESTAURANT AT 3130 FILLMORE STREET.

Mr. Passmore reported to the Commission that the Department had been informed by the applicant that he intended to withdraw his application, and the staff had in turn informed the neighborhood representative that no hearing would take place. However, the applicant had subsequently told the staff he had changed his mind and wanted to go ahead with the hearing. It was the recommendation

of the Director that the matter be continued to the meeting of the Commission on December 15, 1977, in order for the staff to have time to inform all those parties concerned of the time and place of the hearing.

Commissioner Bierman moved, Commissioner Dearman seconded, and the Commission voted unanimously to continue the matter to the meeting of December 15, 1977, as recommended by the Director.

EE77.330 - PUBLIC HEARING ON AN APPEAL OF A DETERMINATION BY THE DEPARTMENT OF CITY PLANNING THAT AN EIR IS REQUIRED FOR A 19-UNIT SINGLE-FAMILY SUBDIVISION PROJECT AT EDGEHILL WAY (RS77.24).

Julius Kahn, the attorney representing the appellants, asked permission of the Commission to have a court reporter to make a stenographic record of this public hearing. President Rosenblatt granted the request and asked that a copy of the transcript be submitted to the Department of City Planning for the file in this case. Mr. Kahn said a copy would be submitted as requested.

President Rosenblatt outlined the hearing process and requested that the audience limit their testimony to two minutes per speaker once the staff, the appellant and the applicant had made their presentations. After discussion among the members of the Commission, President Rosenblatt said that it was the desire of the Commission not to invoke the two-minute rule.

Douglas Holmen, Planner II, presented the case and described the project, a 19-unit single-family subdivision at Edgehill Way. The Department had determined that the project would have a significant effect on the environment and that an environmental impact report would be required. The developer had appealed this decision to the Commission and this hearing had been scheduled as a result. Mr. Holmen summarized the reasons for the Department's determination, noting that the neighbors had expressed a desire for the property to be acquired for park use with Proposition J funds and the heavily forested character of the hillside site. The site is in a Special Geologic Study Area. The appeal to the determination was filed by Ernest M. Smith, President of the Edgehill Terrace Association, on the grounds that there are inaccuracies of facts and erroneous conclusions on the part of the Department. Mr. Smith was alleging that there were inaccuracies in the facts developed by the staff and that the Department's determination and conclusions were erroneous. Mr. Holmen said he understood that Mr. Smith was an owner of a portion of the property proposed for development but was not himself the developer. The Edgehill Terrace Association was appealing the determination; the Edgehill Homeowners Association supported the staff determination, as would be further developed in the testimony.

Mr. Passmore explained that the required newspaper notice for the public hearing for this appeal had not been published in time for a Commission decision during this meeting and that the matter would have to be continued until the next regular meeting at 2:30 p.m. on December 8, 1977.

The Commission recessed for two minutes and reconvened at 11:00 p.m.

Harold Lehr, of the West Portal area, asked whether the supporters of the EIR requirement would be heard at the next hearing on this matter. Most of their group had left already.

Commissioner Bierman understood that it was to the advantage of both sides to have a straight forward court record of the proceedings and she asked that there be no more interruptions which confused the record.

President Rosenblatt said that the Commission would take testimony both at this hearing and again next week; it was unnecessary for anyone to speak both times, of course.

The Commission then received and responded to testimony from Julius Kahn, attorney for the appellant; Peter Borak, owner of Lots 8 and 9, Assessor's Block 2934; Ernest Smith, President of Edgell Terrace Association and appellant; Mary Ann Herkenhoff, 275 Edgell Way; and other members of the audience.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Nakashima, and unanimously passed that this public hearing be continued at 2:30 p.m. on December 8, 1977, the next regular meeting of the Commission.

A standard tape cassette and a stenographic transcript of the proceedings are available in the files of the Department of City Planning for public listening, reading or transcription.

DR77.55 - CONSIDERATION OF REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7707510 FOR A FAST FOOD FACILITY AT 3070 - 16TH STREET; LOT 16 IN ASSESSOR'S BLOCK 3554 (EE77.245).

Robert W. Passmore, Planner V (Zoning), explained that the application was for a permit to build a Doggie Diner restaurant on the site of the Gartland Hotel which had burned down. The application included landscaping and a parking lot. The request for discretionary review had been received from the San Francisco

Neighborhood Legal Assistance Foundation (SFNLAF), Mission office whose letter noted that the proposed use was not in keeping with neighborhood improvement plans which sought to improve the residential quality of the area. Mr. Passmore noted that the Commission had endorsed a master plan for the area which encourages new housing and that even if no one had requested a discretionary review hearing that the staff would have brought the case to the Commission because of concern for this potential housing site. The Director's recommendation was that the Commission take this matter under its discretionary review and schedule a public hearing for December 8, 1977. At that time the Department would probably recommend that the application be disapproved.

Commissioner Bierman asked about the height of the Gartland Hotel. Mr. Passmore said the old building had been five stories in height.

Elizabeth Anello, Chair of Operation Upgrade, said that her group had also sent a letter requesting consideration of discretionary review for this application. She said Ed Crocker of SFNLAF had been present at the meeting but had left the room. She submitted a petition in opposition to the application with 317 signatures.

Richard Ablon, representing Doggie Diner, Inc., the applicant, said the company felt the facility would improve the neighborhood. He submitted photos of the site which he described as an eyesore. He was aware of the desire by some to reserve the site for low income housing, but his was the only offer made to the owner in the past two years. The reality of the area, porno bookstores and bars, won't get better easily and the restaurant would want the area cleaned up, too. The company, with a union contract and 68% minority employees in its Bay Area operations, would spend \$40,000 to fill the hole and \$200,000 for purchase of the land and construction. He felt this investment would be a catalyst for the area. He noted their restaurant at 25th Avenue and Geary Boulevard had opened nine months before amid premonitions of trouble and there hadn't been a single police call. He thought the petition had been signed by many local merchants who understandably opposed vital competition.

Officer Atkins, San Francisco Police Department, Mission Station, said in his opinion the increased lighting the restaurant would provide an increase in the safety of the area and that there wouldn't be a crime problem.

Commissioner Starbuck remarked that Foster and Kleiser had gotten billboards up quickly on the site after the fire,

Mr. Ablon said in response that billboards are the result of underutilization of land for two years.

Commissioner Starbuck asked whether the land was being held in trust and Mr. Ablon answered in the negative.

Jim Rourke, formerly with the Teamsters Union and now with Operation Upgrade, said the officer hadn't verified four bad muggings in the neighborhood recently. He thought the real statistics would make the official statistics look sick. He said he was an expert on traffic and that 16th Street was three lanes, two west and one east, which resulted in confusion and congestion. Trucks must double park to make deliveries. At the point of the proposed restaurant the customers in cars must circle into traffic. The place would be a hangout for those moved out by Yerba Buena Center, including motorcycle gang. This was a great cause of concern in the Mission District, a home area.

Kathleen Kirk, a member of the Mission Planning Council, said the general membership had noted Tuesday to oppose this application and she read the following letter from Luisa Ezquerro, President, Mission Planning Council:

"It has come to our attention that the City Planning Commission has been requested to take under its discretionary review a building permit application for a fast food facility by Doggie Diner at 3070 - 16th Street.

"We are strongly opposed to such a facility at 16th and Valencia Streets. It is our position that such fast food facilities have had a negative impact in the immediate neighborhoods in which they locate. Such negative impact results from increased car traffic, littering, and police and safety related problems. In the immediate area where the proposed Doggie Diner is to be located there are already two Doggie Diners reflecting a negative impact in the surrounding residential areas.

"We feel that the Valencia and 16th Streets site is ideal for much needed housing, perhaps with facilities that will enhance the neighborhood."

After discussion Commissioner Starbuck moved, Commissioner Bierman seconded, and the Commission unanimously passed a motion to take this matter under discretionary review and hold a public hearing on the application at the regular meeting, December 8, 1977.

DR77.31 - REHEARING OF CONSIDERATION OF REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7710726 FOR A TWO-UNIT RESIDENTIAL BUILDING AT 1071 GIRARD STREET; LOT 21 IN ASSESSOR'S BLOCK 6172.

Commissioner Dearman said she had spoken to the neighborhood residents who had requested this rehearing during a recess earlier in the evening and they had agreed to a postponement of this matter due to the late hour.

After discussion Commissioner Dearman moved, Commissioner Bierman seconded, and the Commission unanimously postponed this rehearing until the regular meeting of the Commission, December 8, 1977.

The meeting was adjourned at 12:45 a.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 8, 1977.

The City Planning Commission met pursuant to notice on Thursday, December 8, 1977, at 1:15 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, George Carey, Virgil L. Elliott, Yoshio Nakashima, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert W. Passmore, Planner V (Zoning); Mark Winogrand, Planner II; Carol Sugarman, Planner II; Gary Craft, Planner II; Gary Lee, Planner II; and Robert H. Feldman, Planner II and Acting Secretary.

The press was represented by Gerald Adams of the San Francisco Examiner, Dan Borsuk of the San Francisco Progress and Marjorie Fishman of the San Francisco News Letter.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that Gregory Oliver has rejoined the staff of the Department, after spending three years with the Mayor's Office of Economic Development.

The Director acknowledged that the Department would continue to refine its scheduling process so as to limit future public meetings to reasonable lengths.

President Rosenblatt requested clarification of the newspaper account on the proposed Embarcadero Garage. After discussion, the Director said he would attend the next meeting of the Board of Supervisors and represent the Department and the Commission on the matter.

Commissioner Dearman recommended a limit of five and a half hours for meetings of the Commission and she suggested that the Commission hold an Executive Session next week to discuss personnel matters in the Department. A meeting was scheduled for Monday, December 12, 1977, at 11:00 a.m. in the Director's Office at 100 Larkin Street.

Commissioner Bierman urged that if testimony is limited at public hearings such limitation be clearly announced at the beginning of the meeting and enforced fairly for all speakers. R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), suggested that because of the significance of the last item on the calendar that a limit on testimony be set for the remainder of the afternoon.

Commissioner Starbuck requested a review of recent Commission actions appealed to the Board of Supervisors. Mr. Steele reported that the Board had reversed the Commission's disapproval of the parking lot at Columbus and Bay Streets, and had imposed the conditions originally recommended by the Department. The Board had rescinded the appeal scheduled for the animal hospital at 683-5 14th Street for lack of enough support of surrounding property owners. The signatures of the owners of 20% of the property within 300 feet of the subject property are necessary to perfect an appeal. The Board concurred in the Commission disapproval of the reclassification application for 5 lots on Santa Barbara Avenue at Head Street. No final action has been taken yet on the Diamond Heights Village Condominium Conversion application. Commissioner Starbuck noted that final action by the Board was expected next Monday.

Commissioner Starbuck requested that the staff seek to have included in a proposed new Hilton Hotel Tower the airport bus service presently located on the site at O'Farrell and Taylor Streets. The Director said he would follow up this request when plans were submitted to the Department for review.

The Commission recessed for five minutes and reconvened at 1:45 p.m.

DR77.31 - REHEARING OF CONSIDERATION OF REQUEST THAT THE CITY PLANNING COMMISSION TAKE UNDER ITS DISCRETIONARY REVIEW BUILDING PERMIT APPLICATION NO. 7710726 FOR A TWO-UNIT RESIDENTIAL BUILDING AT 1071 GIRARD STREET; LOT 21 IN ASSESSOR'S BLOCK 6172.

(CONTINUED FROM MEETING OF DECEMBER 1, 1977)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), noted that this rehearing had been put over to this time because of the late hour at which it was to be heard at the last meeting. He remarked that the Commission had already acted in this matter on the originally submitted plan for a four-unit dwelling and on the revised plan for a three-unit dwelling, disapproving the former as Resolution No. 7766 and disapproving the latter as Resolution No. 7785, with the expressed stipulation that the Commission approves any two-unit building permit application that may be filed subsequently under Building Permit Application No. 7703252 subject to review

and approval by the Department staff. These actions were taken under the discretionary review powers of the Commission after a request by Mrs. Ardath Nichols, Chair of the Girard Street Club. The applicant is the Omar Construction Company. The Commission had the neighborhood group's request for another public hearing for the two-unit permit application before it on November 10, 1977 and had denied the request. The matter now before the Commission was a rehearing of the neighborhood's request for discretionary review of the applicant's permit application for a two-unit dwelling in an R-3 and Proposed RM-1 zoning district.

Mr. Steele said that the staff had reviewed the most recent plans for a two-unit dwelling and the layout appeared to be such that it would be very difficult to convert the building to a three-unit building. For this reason the Director's recommendation was for the Commission to deny the request and not take the two-unit permit application under review.

Commissioner Bierman understood that the current plans showed a three-space garage area and had the same coverage as the three-unit plan. Neighbors who had spoken to her thought that the proposed two-unit dwelling could be converted later to a three-unit dwelling.

Mr. Steele said that a conversion might be done but that it would be very expensive and therefore unlikely, especially since the neighbors would be monitoring the site and would report anything suspicious to the Department. Permits would be needed and the Department would not approve one for a illegal conversion. He recommended that the neighbors report any suspicious activities at the site to the Department. The plans had been revised by Mr. Omar Saleh in a way that conversion could only be done by a major modification. As to the three-space garage, the Planning Code allows spaces up to one and a half times the number of units; three spaces are allowed for a two-unit dwelling under the Code. Mr. Steele thought it likely the applicant, Mr. Saleh, would revise his plan to allow for only two spaces if the Commission requested.

Commissioner Dearman asked if the Commission intended to hear from those requesting discretionary review. President Rosenblatt remarked that this was a unique situation in that the Commission did not usually grant rehearings once a decision had been reached. Here an opportunity would be given to the concerned neighbors to voice their concerns with the project.

Mrs. Ardath Nichols, 1045 Girard Street, Chair of the Girard Street Block Club, said that her group had requested a change in the proposed zoning of the site from RM-1 to RH-1 on January 31, 1977.

Girard Street is very narrow and she remembered vividly being stranded in the street in her car because her driveway was blocked. Fire trucks would have been blocked if there had been an emergency then and the street is always hazardous because two cars can not pass one another. The street is not intended for an apartment house. Her group had thought the area was zoned for one-family use until this matter came up. Present buildings do not block views and the proposed building will block a 40-mile view; and now a wall will be very noticeable. Homes in the area go for good prices and single-family houses sell well; a 30 year-old house was sold recently for \$69,000. She noted that the developer claimed at the Board of Permit Appeals hearing that he tried to meet with her group; however, she never saw him until these public meetings and he never tried to work out differences with her group as had the developer of a lot a block away.

Elizabeth Parshall, representing the All People's Coalition, said her group supported the efforts of the Girard Street neighbors group, most of whom have been residents of the area for thirty years and who deserved to have their protest given weight. The area had been mistakenly zoned many years for too great a density and Girard Street clearly should be low density residential. The neighbors should not have to pay for a Department error. Where she lives on Wiley Avenue, she would fight a duplex because the existing development is one-family. The Department is working to preserve neighborhood character and here is a good example of the need. The neighborhood has a valid concern about the future use of the proposed building.

Mr. Steele noted that the Commission could modify the position it took on the previous permit application since this is a new building permit application with a new number never before considered by the Commission. However, previously the policy of the Commission had been that a two-family dwelling is appropriate for the site. The lot has a forty-five foot frontage. The plans acted on previously showed flats and not vertically separated units.

Commissioner Bierman asked whether both units could be placed in a two-level building and be more like the buildings in the neighborhood.

Bob Barnes, a resident of the area and President of the Machinists Union, felt that this is a one-family working class neighborhood, a blue collar area, that will become prime land in the future because it overlooks the proposed Candlestick Cove Park. If multi-unit buildings are permitted where would it stop; the area would be redeveloped with expensive condominiums that would exclude working people. The flavor of the area would change. He had looked at the

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plans for this building and it did not look as if it would be difficult to add a third unit later. The residents were very concerned about keeping the flavor of the area. He hoped the Commission would consider the human needs of the people instead of those of future speculators.

Omar Saleh, the applicant, said he never intended to endanger or change the character of the neighborhood. The plans had been changed so that each unit would have a separate outside entrance with units over the other. Once built he could not make alterations without a permit and the neighborhood would be protected against a third unit. An owner could not get insurance to cover more than the legal two units. Although he preferred to leave the present plans alone, he would be willing to work with the staff on a revision to have it approved.

Commissioner Bierman asked if the applicant would be willing to change the project to a one-family house. Mr. Saleh said he had purchased the property on a multi-unit basis. The original plan for a four-unit building could have been modified into five units.

Mrs. Nichols said that the lot originally extended from Girard to San Bruno Avenue, and was previously zoned R-1. It was split in the 1950's. Mr. Saleh said that this was true.

Mr. Steele said he felt a two-unit dwelling was appropriate on the site since there are three-level structures across the street. Of course, more than a single level would block some views. Any house, whether one or two units, would have to be two levels over parking to be of a reasonable flavor area. It was a matter of subjective judgment whether the view blockage caused by the proposed building was significant. In his opinion the applicant had done all that was reasonable.

Commissioner Bierman said that if the Commission decided to take the matter under discretionary review then the applicant could be asked to change the design. The Commission had taken the position that a two-unit building was acceptable because the applicant bought the land for development at a higher density. Since he bought it in good faith the Commission could not in good conscience deny him a two-unit house. She personally felt that the plan could be revised so that a two-unit house would be more acceptable to the neighbors. She thought this case was similar to the Mullen Street case.

Mr. Passmore noted that in the Mullen Street case a one-family house was being discussed. Here it is the neighbors who want a one-family house but the applicant proposes a two-family house.

Commissioner Bierman thought the best thing would be to continue the matter again for a week so that the builder could meet with the staff to modify plans in a way that would be acceptable.

Mrs. Pauline Wood, a concerned resident of the area, said in the past she had spoken of the history of the neighborhood and now wanted to say that the zoning change in 1960 was illegal.

President Rosenblatt requested that testimony be submitted in the question of consideration of the current permit application and not on past zoning matters.

Mrs. Wood said that the neighbors had not attended the last hearing on this item so that full testimony was their privilege.

Commissioner Bierman wondered what the position of the neighborhood was on a two-family house.

Archie Brown, resident at Brussels Street, two blocks from the subject property, said his view would be blocked. His lot is fifty feet wide and only has a one-family house on it.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Bierman said a two-unit building instead of a four-unit building was as far as she was prepared to go, in fairness to both sides. Fairness to the Commission means a compromise between the parties, she added.

President Rosenblatt requested a response from the neighbors to the question asked by Commissioner Bierman and he wondered whether the neighbors could arrive at a design modification that would make a two-unit house acceptable.

Mr. Brown answered in the affirmative. He said the problem was that it was a choice they could not refuse.

Commissioner Starbuck remarked that this had been a protracted case under discussion for many months with the project changing from a four-unit to a two-unit house; in either case the applicant had a right to build.

Mr. Brown understood that the Commission was asking the neighborhood group to accept the concept of two-units.

Mrs. Nichols requested a two-minute recess to allow time for the neighborhood group to poll its members in the corridor.

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During the two minutes that Mrs. Nichols was polling her group the Commission discussed the scheduling of an executive session on personnel matters for the following week.

Mrs. Nichols said that the group accepted the concept of a two-family building with discussions to continue with the staff about the final plans so as to avoid the creation of an illegal third unit in the future.

Commissioner Dearman appreciated the position taken by the neighborhood residents.

Commissioner Dearman moved that the matter be continued to the meeting of December 22, 1977, in order for the builder, the neighbors and the staff to meet to work out the final revisions on the plans. Commissioner Bierman seconded and the Commission unanimously approved the motion.

At this point in the proceedings, Commissioner Dearman left the room.

DR77.82 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7712271 (64 VAN BUREN STREET) AND NO. 7701074 (171 SUSSEX STREET) FOR TWO ONE-FAMILY HOUSES.

Robert W. Passmore, Planner V (Zoning), summarized the materials submitted by the Glen Park Association which had requested that the Commission take under its discretionary review building permit applications for two one-family houses, one proposed and one existing, at 64 Van Buren Street, No. 7712271, and 171 Sussex Street, No. 7701074. This request was an amendment of the previous request by the Association concerning Building Permit Application No. 7704246 which permit application had been superseded by No. 7712271. The reasons stated for this amended request were that the builder owned property for which there were outstanding Planning Code violations and the plans for the two subject properties indicated that there was an intention to violate the Planning Code in the future by adding illegal additional units to the houses. The Association was seeking modification of the plans to insure that the houses remain one-family dwellings and not be converted into two or three-family houses. In addition, they hoped that these permits would be withheld until the outstanding violations at the other properties owned by the applicant are cleared up. All the properties in question are in an R-1 (One-Family Residential) zoning district. The permit application for 171 Sussex Street is to permit the work necessary to restore the existing dwelling to one-family use; it presently is not in compliance because it contains two illegal floors of occupancy and plumbing and wiring

that would enable it to be used as a two-family house. The applicant, Kathleen Needham, maintains that it was her intention to build one-family houses. The plans involved have been revised to the satisfaction of the Department and would result in one-family occupancy only.

Commissioner Starbuck asked how the permits once issued and executed were enforced.

Mr. Passmore said that enforcement was mainly dependent on the vigilance of the concerned neighbors, the recordation on the land records of notices of special restrictions required by the Department where it appears illegal conversions might occur in the future, and disapproval of permit applications where it appears a design will lead to an illegal conversion and concomitant enforcement problems. The latter would be removing a property right even though a permit application on its face was in conformity with the codes.

President Rosenblatt asked if everything had been done to revise these plans appropriately and Mr. Passmore answered in the affirmative, adding that a double stairway might be imposed as well as changing a bedroom to a dining room.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator) remarked that Robert Levy, Superintendent of the Bureau of Building Inspection, had written a letter to the Building Inspector responsible that he should watch for any unauthorized changes in these projects, especially plumbing and electrical layouts that would make additional dwelling units possible. He noted that it was difficult to regulate these matters because basement cabinets suitable for kitchen use were also suitable for workshop use. Running water, too, could be appropriate for permitted accessory uses and yet together with cabinets could be used for an illegal second kitchen.

President Rosenblatt said that the Commission had before them all correspondence covering these matters and he stated that the issue to be decided was whether to schedule a discretionary review hearing for these permit applications. He asked that testimony be limited to any information needed for this decision not already before the Commission.

Ruth Gravanis, a member of the Board of Directors of the Glen Park Association, said that the house at 171 Sussex Street was not a one-family house, but had three units and the builder's house at 62 Conrad Street was a two-family house, also in an R-1 district. Nancy Gin of the Department and Mr. Cerbatos of the Board of Permit Appeals, had visited 175 Sussex Street, also owned by Kathleen Needham, and found it in violation of the City Planning Code because its layout is clear-

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ly for three-family use and not one-family. The applicant's track record in previous illegal conversions should be considered; she concluded by asking that a revision be made on the plans for 64 Van Buren to show a different interior stairway that would discourage use of different floors as separate units.

President Rosenblatt asked whether a change in the stairway was necessary.

Mrs. Gravanis said that the vigilance of the neighborhood was to no avail since it was so easy to cut in the doors and windows needed to create illegal units once the building was constructed. Notices of special restrictions on the land records may or may not work. It was necessary to have the building clearly designed for one-family use only. She had been active on the Coalition of Neighborhoods Task Force for Zoning and had worked hard on the proposed new zoning which she wanted to see enforced. She wanted her neighborhood to remain a one-family area. The applicant had spent much money on plans and there had not been any essential redrawing so far. The enforcement staff had said that a violation of the Planning Code could be prosecuted as a misdemeanor and that a violator could be fined; such fines could be used to pay an architect to change the plans.

Kathleen Needham, the applicant and owner of the subject property, said that Ruth Gravanis had been snooping around her house and was bitten by her dog and was awarded two thousand dollars by her insurance company; personal hatred was being used against her.

Commissioner Bierman asked if any of her buildings were more than one-family houses.

Ms. Needham responded that her buildings were just like the others in the area. The electrician had messed up the wiring and speakers on the buildings. The layout does require three intercoms. If people were concerned about the neighborhood they should clean up their filthy back yards and their run-down buildings. She submitted photographs of yards and said she paid nine thousand dollars in property taxes.

President Rosenblatt asked if she had any testimony on the discretionary review question.

Ms. Needham said that she had bought the property in January and had sent an architect to the Department to get the setbacks. A staff member named Leonard had reviewed a sketch and said the house could be built to the front property line. However, when the plans were later reviewed by the Department she was told that the house had to be set back three feet six inches and the plans had to be revised.

Seven major changes were necessary as a result. The laundry and storage area had to be eliminated in the basement because too much excavation would be necessary. The furnace was moved to the second floor. The new set of plans were resubmitted and then she was told that a fifteen foot setback was required. She felt the Department had made an error that cost her two thousand dollars. If another set of plans are needed to satisfy the Glen Park Association then they should pay for them. She had paid \$5,000 so far and had not touched the lot yet. She intended to take the matter up with her attorneys.

President Rosenblatt asked if any member of the audience had any further comments and no one responded.

Mr. Steele said the Director recommended that the Commission schedule a public hearing under its powers of discretionary review for the permit application for the house at 64 Van Buren Street in order to allow for the parties to agree to a revision of the stairway placement. However, the Director recommended that the Commission deny the request for discretionary review over the permit application for the house at 171 Sussex Street for the reason that this matter is an active enforcement case being pursued by the Bureau of Building Inspection and the City Attorney. A public hearing would not serve any purpose under these circumstances.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Carey, and unanimously passed that the request for discretionary review of Building Permit Application No. 7712271 be granted and a public hearing be scheduled at an appropriate time, and that the request for discretionary review of Building Permit Application No. 770174 be denied for the reasons stated by Mr. Steele.

CU77.56 - 300 LAKE STREET, NORTH SIDE, OPPOSITE THE END OF FOURTH AVENUE; IN AN R-1 DISTRICT. CONDITIONAL USE APPLICATION PROPOSING TO REPLACE THE EXISTING HOME FOR THE AGED WITH ACCOMMODATION FOR APPROXIMATELY 120 ELDERLY PERSONS IN A NEW BUILDING. (ZM77.16 APPROVED DECEMBER 1, 1977 BY THE COMMISSION AS RESOLUTION NO. 7858, FOR RECLASSIFICATION OF PROPERTY TO R-2 TO ALLOW CONSIDERATION OF THIS CONDITIONAL USE APPLICATION) (EE76.79).

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator) reviewed the public hearing and Commission action on this application and related matters at the last regular meeting of the Commission December 1, 1977. He noted that the applicant's reclassification application to change the use district to R-2 had been approved as Commission Resolution No. 7858 and that the Commission had continued this conditional use application one week in order

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for the plans to be shown to the Director, now returned from vacation, and for the staff to prepare a draft resolution for consideration by the Commission with appropriate conditions included to insure a project in the best interest of the City. Mr. Steele indicated that the Director had reviewed the plans and had recommended approval and that a draft resolution for approval was before the Commission; he summarized the draft resolution and the two conditions it contained.

President Rosenblatt asked if there were any members of the audience who wished to speak and no one responded.

Commissioner Starbuck indicated that he would vote against the Director's recommendation for approval for the reason that the Commission had only spent thirty minutes on the proposed new building, yet it is the Commission which must answer for how a structure looks. All that the Commission had seen so far was a brief slide presentation about the building. As a matter of principle he was opposed to the project because he had not had a chance to examine carefully the plans for it. For months he had discussed the problem of the old building and the various alternatives to demolition but only a few minutes had been spent on the design of the replacement.

Commissioner Dearman said she also would oppose the recommendation for the reasons Commissioner Starbuck had given.

Mr. Steele noted a clerical error in the draft resolution that would be corrected in the final version.

President Rosenblatt recollected that at the previous Commission meeting, the Commission had made clear that final plans would have to be brought to the Commission itself for review after the review by the Director and the staff.

After discussion Commissioner Nakashima moved the Director's recommendation for approval. Commissioner Starbuck said he would not oppose since the Commission would review final plans and he seconded the motion. The Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7860 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

Commissioner Bierman said it was her understanding that the old building would continue to be occupied until the new building was ready for occupancy. There remained interest in saving the old building.

Howard Nemerovski, the attorney representing the applicant, asked for a clarification of the Commission's action. He asked if the final review by the Commission would be on aesthetics or on the issue

of housing the elderly in the old building and retaining it. If the latter were the case it would contradict the Commission's action of December 1, 1977. He said the good offices of the Commission and continued dialog would be welcomed by his client. He remarked that the speed of the staff, which was not superficial, was appreciated.

Commissioner Nakashima said he supported Commissioner Bierman's thought in wanting continued dialog on the issue of elderly housing in the old building in front. He said the Commission wants housing for the elderly in more than one part of the City.

EE77.330 - PUBLIC HEARING ON AN APPEAL OF A DETERMINATION BY THE DEPARTMENT OF CITY PLANNING THAT AN EIR IS REQUIRED FOR A 19-UNIT SINGLE-FAMILY SUBDIVISION PROJECT AT EDGEHILL WAY. (RS77.24)
(CONTINUED FROM THE MEETING OF DECEMBER 1, 1977)

President Rosenblatt reviewed the facts of the case and the public hearing which had been held at the previous meeting and been continued to this time. He said that the Commission would be continuing the matter one more week before making a final decision and he invited anyone who was in the audience who was concerned to speak. The continuance was necessary to allow adequate time for publication of notice in the newspaper.

Grandvel Jackson, 257 Kensington Way, said he lived in this interesting neighborhood fourteen years. To him the proposed development was unconscionable in view of the topography and layout of the neighborhood. The proposal would upset the whole immediate neighborhood, if not the whole West Portal area. In terms of environment, aesthetics, and changes that would be caused, boulders and trees would be loosened from the hillside and fall and those living below the hill would be in extreme danger. His position was that an EIR ought to be required for the project.

No one else in the audience came forward to speak on the matter.

Commissioner Bierman moved, Commissioner Nakashima seconded, and the Commission unanimously voted to continue the public hearing on this appeal to the regular meeting of the Commission on December 15, 1977.

At this point in the proceedings, Commissioner Starbuck left the room.

CONSIDERATION OF DRAFT RESOLUTION AUTHORIZING DIRECTOR OF PLANNING TO REQUEST SUPPLEMENTAL FUNDS TO COMPENSATE ABAG FOR WORK IN PREPARATION OF 1980 CENSUS.

Rai Y. Okamoto, Director of Planning, said that Peter Groat, Planner IV, the systems analyst for the Department, had brought up the need for a supplementary appropriation for work on the upcoming census. The following draft resolution was put before the Commission for its consideration:

"WHEREAS, The Department of City Planning is the Census Key Agency for the City and County of San Francisco and represents the interests of the City in matters related to the Census of Population and Housing; and

"WHEREAS, It has come to the attention of the Department and its Director that an element essential to assure the City of an accurate count of its inhabitants and dwelling units is liable not to be brought to its best and final state for the impending 1980 Census; and

"WHEREAS, Those likely to be adversely affected by an inaccurate enumeration, especially by an undercounting of their numbers are the poor, the elderly, the unemployed and members of the City's minority communities many of whose housing, income and educational needs are met by various Federal and State subventions which are allocated on the basis of Census counts; and

"WHEREAS, It has been determined that prompt action by the City to provide the Association of Bay Area Governments with the sum of \$4,225.00 by the 15th of December, 1977 will ensure that work on the critical element, the Geographic Base File, will not be abandoned before it is brought to its completion; and

"WHEREAS, It is in the best interests of the City and County of San Francisco to provide this sum of money in a timely fashion to ensure that the work will continue;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby authorize the Director of Planning to request a supplemental appropriation in the amount of \$4,225.00 to compensate the Association of Bay Area Governments for the work necessary to complete preparation of the San Francisco portion of the Geographic Base-DIME File for the Census of 1980."

No one was present in the audience to speak on this matter.

After discussion Commissioner Bierman moved, Commissioner Carey seconded, and the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7861 and to authorize the Director to request the needed supplemental appropriation.

**R77.43 - LEASE OF PROPERTY AT NORTHWEST CORNER OF POLK AND
MCALLISTER STREETS FOR SERVICE STATION OR OTHER USES.**

Wallace Wortman, Director of Property, presented this case to the Commission. He noted that this property, at the northwest corner of Polk and McAllister Streets, was leased for many years to Standard Oil for a Chevron gasoline station; for the past several years it has been a month to month arrangement. The company says it is prohibitively expensive to rebuild such stations because a period of ten or fifteen years is necessary to amortize the investment and the City will not grant a lease of that duration. The highest and best use of this property is as office space for City departments, which presently lease 145,000 square feet of office space. Right now approximately fifty cars are parked on the site; ten stalls are used by Bureau of Building Inspection inspectors, who park their cars overnight.

Commissioner Starbuck returned to his seat with the Commission at this point in the proceedings.

Mr. Wortman was concerned with the Director's recommendation contained in the staff's memorandum before the Commission, which recommends that use of the site for parking be found to be not in conformity with the Master Plan. This position would prevent the temporary use of the property, until an office building is built, as parking for City departments, which sorely need these parking spaces, especially since the Opera House is expanding onto property along Franklin Street presently used for parking. The Civic Center Parking Lot at Van Ness Avenue and Grove Street will soon be replaced by the Performing Arts Center; presently there are 320 self-park spaces on that site. He hoped that the McAllister and Polk site could be used for parking for the immediate future to partially off-set the losses to the parking space supply in the Civic Center on an interim basis. The Performing Arts Center Garage would supply some relief in about a year. Both the Department of Public Works and the Board of Education have tremendous parking space needs at the present time. Even the commercial parking situation is worsening since a lot was lost to a new fast food facility. If the subject parcel is lost too, the impact would be unbearable, especially for the inspectors who come in from field work at 4:00 p.m. and must park quickly in order to work in the office from 4 to 5:00 p.m. Possibly the Redevelopment Agency will allow use of

the proposed Filipino Cultural Center site for a year or so. However, the costs there are prohibitive, \$60,000 for asphalt paving and grading. He requested use of the subject site at least until the Performing Arts Center Garage becomes available. He would work with Department staff on necessary conditions. The site was already paved and ready for use. Another problem was that for the City to have Standard Oil bear the burden of restoring curbs and demolishing the building on the site, the parties must be clear as to their obligations and the staff's position could jeopardize the City's position in this assessment.

Commissioner Starbuck asked about the suitability of the site for parking. Mr. Wortman responded that there have been many complaints from building inspectors who spend half an hour looking for a place to park. They presently use forty spaces on the Commerce High Field lot which will be lost when the Arts Center is built.

President Rosenblatt asked about the proposed assignment of spaces on the subject site. Mr. Wortman responded that there was an administrative policy that space would be provided for City vehicles with a high priority as well as for leasing the rest of the spaces for revenue on a short term basis. There would be strict conditions imposed for cleaning and landscaping as might be required by the Department of City Planning.

Rai Y. Okamoto, Director of Planning, said that there had been an informal contact with a developer who is considering converting the property into a restaurant for both daytime and evening needs. He felt that a restaurant could provide revenue which would off-set the loss of parking. Of course, use of the site for City offices was clearly the best use. If revenue could be generated by a restaurant then parking could be leased elsewhere for the City cars. He was aware of interesting conversions in the East Bay and wanted to pursue it for this site. If the site were used for temporary parking, how long would the spaces be needed. Mr. Wortman thought that the parking would be needed for two years.

Frederick Whisman, Executive Officer of the Superior Court, said that the judges of the Supreme Court had discussed the recommendation of the staff and thought the best long-term use of the property was as office space, but it would be helpful if the Commission would allow the use Mr. Wortman wants. Parking spaces are desperately needed for jurors, not judges. Since there is little or no compensation for jurors, providing adequate parking is vital. Because of court schedules and the jury process most jurors who work can't use public transit and must use their cars; if they are dismissed during the morning they can then get to work. The parking spaces under the plaza are often full. The judges urge the Commission to allow interim parking on the site to aid the long neglected jurors.

No one else was present to speak on this matter.

At this point in the proceedings, Commissioner Dearman left the room.

The Director sought authorization to pursue short-term leasing to a restaurateur. He would make an analysis of prospective revenues and costs for the City and report back to the Commission. If the effort failed he would recommend short-term parking use, with appropriate landscaping a condition. He desired something consistent with the Master Plan.

Commissioner Starbuck moved that the matter be continued indefinitely to enable the staff to seek alternatives to parking. Commissioner Bierman seconded the motion.

Mr. Wortman said that time was a constraint for the City, and a decision was necessary as soon as possible. If bids for a restaurant were called for, it would slow down the process. He did not think the present gas station structure could be used for a restaurant. He requested that interim parking be allowed and that other alternatives be explored at the same time.

The Director was persuaded that the staff could get a quick commitment from a developer for a restaurant; he felt a conversion to a restaurant use was not difficult. He asked that the matter be continued to the meeting of December 22, 1977.

Commissioner Elliott could not conceive of a fast food franchise on this site.

The Director said he was not considering a fast food operation in any case.

Commissioner Elliott said the City's own priorities outweighed the needs of restaurant users. He thought Mr. Wortman's position should be supported and he urged the Commission to disapprove the Director's recommendation.

Commissioner Starbuck amended his motion to continue the matter, not indefinitely, but rather to the meeting of December 22, 1977. The motion carried on a vote of 4-2, Commissioners Bierman, Nakashima, Rosenblatt and Starbuck voted "Aye"; Commissioners Carey and Elliott voted "No".

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R77.28 - SALE OF PROPERTY AT SOUTHWEST CORNER OF GENEVA AND
OCEAN AVENUES.

President Rosenblatt indicated this item was advertised on the consent calendar and that the Commission had before it a memorandum from the Director recommending he be authorized to report to the Board of Supervisors that this sale of property was in conformity with the Master Plan provided certain conditions involving housing were met.

No one was present to speak on this matter.

Commissioner Stabuck moved, Commissioner Nakashima seconded, and the Commission voted unanimously to authorize the Director to report that the sale was in conformity with the Master Plan, provided certain conditions were met in the event housing is built on the site.

At this point in the meeting, Commissioner Dearman returned to her seat on the dais.

DR77.55 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION
NO. 7707510 FOR A FAST FOOD FACILITY AT 3070 - 16TH
STREET; LOT 16 IN ASSESSOR'S BLOCK 3554. (EE77.245)

Robert W. Passmore, Planner V (Zoning), noted that the Commission had before it copies of the negative declaration and the letter requesting the Commission to take this permit application under its discretionary review. The project is a proposed Doggie Diner restaurant at the corner of 16th and Valencia Streets. The Department recommended that the Commission disapprove the application; he summarized a draft resolution that had been prepared for consideration by the Commission for disapproval.

President Rosenblatt asked for a show of hands of those in the audience who were concerned with this case and seven people raised their hands. He asked that testimony be brief.

Richard Ablon, representing Doggie Diner, Inc., reminded the Commission he had spoken at the previous meeting, also. He said this was a hostile forum for his company and maybe there was no place for the company in the City. Here the issue was not apartment house versus restaurant but whether Doggie Diner could invest \$250,000 and employ 15 full-time people, many minority and at the end of the demographic scale. The area was decaying and needed investment and new construction to off-set porno theaters and rundown storefronts. The site is literally a pit in the ground right now, with a 10-12 foot fall. There was slim likelihood that an apartment house would be built on this site. Although it is easy to say the site is most appropriate

for housing, actually for two years no one has offered to buy it and build housing and unless there is governmental financing it is not likely. He urged the Commission to consider the reality of new jobs and community life versus stagnation and a rubble strewn lot. In addition, the law was clear and the use is in conformity with the zoning controls and the application has met the technical requirements of a hostile planning staff. The firm has tried to cooperate and there is no reason to stop the permit. Finally, he asked that whatever its decision, the Commission act at this time and not continue the matter.

Harry Steiner, business agent of Local 2 of the Culinary Workers Union, spoke in support of the application for the reason that the restaurant would create jobs for the underprivileged. He said he served two of their facilities and he sees neat young people courteously serving customers from banks and shops. These jobs better the young peoples' lives. Employees are covered by insurance and these jobs help youngsters start their working lives.

Elizabeth Anello, Chairperson of Operation Upgrade, said the Vice-President of Doggie Diner had flown out from Boston and was not familiar with the issues and the area. Her group is trying to turn the area around and the proposed facility would not do that but will set the wrong tone for development in the area. There are family restaurants in the area whose operators live in the neighborhood and this use would threaten them. There already is a Doggie Diner at 18th and Mission Streets which serves this area. The use would attract dope dealers, people sleeping overnight and be an undesirable hangout. She resented business people who told her to support such applications because of jobs. If this is built then two Doggie Diners will be closed and there won't be a gain in jobs. She said we all create jobs for young people. The site has important symbolic value and her group has made several suggestions for non-residential use of the property. They are not narrow-minded. Another restaurant is the last thing they think will help them.

John Gardner, a resident of the neighborhood, said he was trying to rid the area of an adult bookstore. He noted the three Doggie Diners at Army, 10th and 18th Streets were hangouts and not desirable for a residential area. The street here is heavily trafficked and a tow-away zone. The many restaurants in the area would be hurt. The petition his wife circulated had 150 signatures in opposition of this use.

Ed Crocker, an attorney in the San Francisco Neighborhood Legal Assistance Foundation Mission Office, said the greatest need of the area was housing and not jobs. The area gets the Yerba Buena Center

overflow. The area was already saturated with Doggie Diners and other fast food operations. Project SAFE indicated that there was a high incidence of crime along the Mission strip and he thought that crime would follow the Doggie Diner. A crime report was on file with the staff. Operation Upgrade has done a development study with Department staff which identified the needs of the area, housing and commercial development and it is trying to get community development funds for such development. The site is an eyesore and at least should be filled and landscaped. The fire which destroyed the Gartland Apartments on the site was partly due to a public lack of commitment for code enforcement.

Commissioner Elliott wondered who owned the property and whether any interest had been shown in using the site for another apartment house. Mr. Crocker responded that the property was owned by Beatrice Present and he had no knowledge of any interest having been shown for a residential building.

James Ke fer, a representative of the Mission Planning Council, said the group was fighting urban blight. The area was now less threatened by slums. He opposes the application because he associates crime with this type of facility, which would threaten many fine small restaurants in the area. Another automobile oriented use would be ad for the neighborhood.

President Rosenblatt asked if anyone else in the audience wanted to address the Commission and no one responded.

Commissioner Dearman said her daughter attends school in the area and she was very familiar with it. She opposed another auto oriented use here because of the heavy traffic which already congests the neighborhood.

Mr. Ablon said that the company was in a Catch-22 situation. The planning staff had raised parking, driveway and traffic concerns. A study showed that 57% of the customers are pedestrians at the 10th and Mission Street site. But we are told the aesthetics are bad with the old facilities so we try to build new modern ones and our old image is perpetuated. However, we could revise our plans.

Robert Carmody, represented the owner of the property, Beatrice Present, who lives in St. Francis Woods. She had tried to sell to a developer but had no viable offers until Doggie Diner. It seemed unfair to allow the under-utilization of the property when the zoning regulations would allow this restaurant. She pays \$4,500 a year property tax and the property now seems undevelopable.

Commissioner Starbuck said he felt the site needed a multi-purpose use and a restaurant of this type would be an underutilization of the land. He moved the Director's recommendation to disapprove the application, Commissioner Nakashima seconded, and the Commission unanimously adopted the draft resolution for disapproval as City Planning Commission Resolution No. 7862.

RS77.26 - JOINT PUBLIC HEARING WITH THE DEPARTMENT OF PUBLIC WORKS ON A TENTATIVE SUBDIVISION MAP FOR A 150-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 66 CLEARY COURT (LAGUNA O'FARRELL APARTMENTS); LOT 34 IN ASSESSOR'S BLOCK 711.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator) explained that this was a joint public hearing before both the Commission and the Department of Public Works, represented by George Woo, who he introduced to the audience. Mr. Woo took his place with the Commission at the front of the room.

Robert W. Passmore, Planner V (Zoning), said that the issue presented by this case was procedural, involving the time limit for City action in reviewing tentative subdivision maps. The applicant, Watt Industries, had filed a tentative map on September 22, 1977 after which the City had fifty days to review and approve or disapprove. In the event of no extension of the time period agreed to by the applicant, inaction by the City would result in automatic approval after the end of the fifty-day period. In this case the last day for City action was November 12, 1977. The applicant had not requested an extension of the review period. The applicant had submitted a notice to the tenants on November 14, 1977 pursuant to the relevant provision of the Subdivision Code requiring a tenant survey in rental developments of more than fifty units. The position of the Department of City Planning was that the applicant's filing was not complete until the filing of the tenant survey in November; therefore, the fifty-day review period continued to run and would end on January 3, 1978. The Department had attempted to have the applicant file written consent to an extension of the review period and the applicant had declined to do so.

Commissioner Dearman noted that the Commission had had a bad experience with a subdivision matter on Diamond Heights involving lack of written consent. She remembered that the Commission said at the time that in future cases written consent for time extension would be required.

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Mr. Passmore said that a number of tenants had complained about the tenant survey and allegations of fraud were made regarding it. The Department of City Planning required a second tenant survey before it could reach a position regarding the views of the tenants.

Commissioner Starbuck said that the Commission would not go on with this case without written consent from the applicant agreeing to an extension of the review period.

Howard Ellman, representing Watt Industries, said that the applicant would not consent to an extension in the review period. It was the opinion of the applicant that the jurisdiction of the City in this matter expired on November 12, 1977, fifty days after the initial filing of the tentative map. He disagreed with the City Attorney whose deputy had said that the filing was not complete until the tenant survey was mailed. The applicant wanted the record clear that it was not waiving its rights. He was present to answer any questions from the Commission in any case.

Commissioner Starbuck stated it was his understanding that the applicant would not agree to extend the time period as provided for in the ordinance. Mr. Ellman said that was correct. Commissioner Starbuck stated he understood that the applicant asserted that the Commission was without jurisdiction at this time. Mr. Ellman answered in the affirmative.

Mr. Steele said that it was the Director's recommendation that this project be found to be not in conformity with the Master Plan for the reason that the tenants asserted an irregularity in the survey and the applicant refused to agree to an extension of time to allow for a new survey and further necessary analysis and review. The Director felt that the Commission had jurisdiction; the recommended finding was in the nature of a disapproval of the conversion.

President Rosenblatt asked if anyone in the audience had any comments for the Commission. No one responded.

Commissioner Dearman moved, Commissioner Starbuck seconded, and the Commission unanimously adopted the Director's recommendation as City Planning Commission Resolution No. 7863 and it found the condominium conversion to be not in conformity with the Master Plan.

The Commission recessed until 5:00 p.m. when it reconvened at Norse Auditorium at 145 Hayes Street, across the street from City Hall, at which place it held the remainder of the meeting.

CONSIDERATION OF DRAFT RESOLUTION WHICH WOULD AMEND RESOLUTION NO. 7499, DATED MAY 20, 1976, DECLARING THE INTENTION OF THE COMMISSION TO CONSIDER PROPOSALS FOR COMPREHENSIVE AMENDMENT OF WRITTEN REGULATIONS OF THE CITY PLANNING CODE AND THE ZONING MAP WITH RESPECT TO RESIDENTIAL AREAS. PASSAGE OF SUCH A RESOLUTION WOULD MAKE POSSIBLE THE SCHEDULING OF PUBLIC HEARINGS REGARDING THE PROPOSED ORDINANCE TEXT AND MAP AMENDMENTS DATED NOVEMBER 29, 1977, AND WOULD HAVE THE EFFECT OF MODIFYING RESOLUTION NO. 7499 TO ESTABLISH THOSE PROPOSED AMENDMENTS AS INTERIM CONTROLS DURING THE HEARING PROCESS.

Mark Winogrand, Planner II and Director of the Residential Zoning Study, explained that this matter was the consideration of a draft resolution prepared for the Commission, which he distributed to initiate the revised residential zoning maps and proposed text of the City Planning Code that had been presented to the Commission and distributed to the public at the Special Meeting held the evening of November 29, 1977. He noted that the revised maps had only minor changes, mostly graphic errors, that had been revealed during the tabulations made for the EIR study. Mr. Winogrand submitted a copy of the official notice that would be published on December 9, 1977, in the San Francisco Examiner in the event the Commission adopted the draft resolution at this time. This notice would be followed by a mailing to all property owners in San Francisco, which would take the form of a 16-page tabloid entitled "Report on Proposed Residential Zoning Revisions", which would contain notice of six public hearings in January and February, 1978, on the proposed text and revised zoning maps, thirteen pages of zoning maps, a summary of the proposed City Planning Code standards and a history of zoning in San Francisco. Copies of the tabloid were given to the members of the Commission. Contractual services by SPUR, the San Francisco Planning and Urban Research Association, would be provided to mail the tabloids next week in order to provide notice for the first hearing scheduled for January 12, 1978.

Commissioner Starbuck asked about the Commission questions of November 29, 1977, regarding the effect of any action of the Commission in this matter on permit applications for alterations or new buildings.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), said that a letter had been received from Thomas O'Connor, the City Attorney, advising that action by the Commission would constitute a Resolution of Intention to reclassify and change the text of the code, and that no permit applications may be approved by the Department which are not in conformity with the proposed text and the revised maps. Mr. Steele said there was no question in his mind of the legality of this action of the Commission.

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President Rosenblatt asked if there were any other questions from the Commission and no one responded.

Vincent Walsh, representing the Residential Builders' Association, said the scope of the question by Mr. Steele was not on point. If the question were rephrased then there would be no argument. His group did not intend to give too much opposition to this action by the Commission but on principle they were still fighting all the way. He requested that the EIR for rezoning be handled separately from the substance of the text and maps. He thought that the EIR should be the subject of a special hearing.

Robert W. Passmore, Planner V (Zoning), explained that Mr. Walsh's comments were directed at the question of interim controls enacted by the Board of Supervisors in 1974. The staff was in a dilemma on the EIR because it was difficult to separate the environmental and the substantive issues. The State law required that hearings on the two aspects of the case be held concurrently. A separate set of hearings on the EIR might seem desirable but would add considerable time to the process if entirely completed before the substantive hearings are held.

Mr. Winogrand said it was necessary to hold the EIR hearings concurrently with the substantive hearings because the proposals were apt to change as the process reached the end and the EIR had to reflect such changes.

President Rosenblatt asked when could separate EIR hearings be best scheduled. Mr. Passmore noted that the hearings would not be separate ones. Mr. Winogrand suggested that it would be best to set aside time during the end of January for any separate EIR hearings. President Rosenblatt thought it would be logical to hold a separate environmental hearing for the EIR in February. Mr. Passmore reported that the State Attorney General had said that public hearings on such matters could not be started until there was a draft EIR ready for review; he said that the City Attorney would be consulted further on this matter. He noted that once the draft is distributed to the public that it would be discussed with the substantive changes in text and code, interchangeably.

President Rosenblatt thought that running the hearings concurrently would create a problem for the legal record. He suggested that the first half hour of the first meeting in January be devoted to the EIR and continue that item to a meeting late in February.

Mr. Passmore said the scheduling would be worked out with the City Attorney.

Mr. Walsh had no objection to breaking the hearings into two parts, one for text and maps, and one for EIR with a recess between, but he thought that it would be confusing to everyone.

President Rosenblatt said that both approaches would be explored.

Commissioner Bierman asked when the EIR would be certified as complete. Mr. Passmore said that would happen at the end of February. Commissioner Bierman said she wanted testimony on all issues at all the public hearings and meetings in the neighborhoods.

John Bardis, representing neighborhood groups in the Inner Sunset area, thought that certain testimony could be refused according to the Attorney General's opinion. He noted that Mr. Walsh was defending well the EIR process, though he believed the methods being suggested were probably illegal because of the public policy and decisions which require a full EIR before any issues are heard. Judge Brown had made a decision saying a project could not be approved because the EIR had been done too late. He thought it best to have a final EIR before any hearings on substance.

Commissioner Bierman said it was important to allow people who attend only one neighborhood meeting to testify on all aspects of the matter, including the EIR at the one meeting they attend.

Mr. Bardis said most people would not comment on the project and a full EIR ready before the hearings would lead to better informed testimony later.

Mr. Winogrand thought that an equitable system could be worked out. He was concerned that any radical change in the proposed text or map be reflected in the EIR.

Mr. Passmore said the draft EIR would be ready before the first hearing January 12, 1978, and in fact would be done by the time of the newspaper publication of notice next week.

Commissioner Dearman hoped any confusion about the effect of the text and map changes on individual properties could be reduced and the process, including the EIR, would move along.

Mr. Passmore said that hearings for the EIR could be held in January with certification of completion, and then hearings on the Code and maps, but the Board would need a revised EIR that covers any revisions that are included.

Mr. Bardis thought the staff rarely came back and required a revised EIR for a changed project.

Commissioner Bierman said that she had sat in too many courtrooms where the City Attorney was wrong and a citizen was right, especially John Bardis. She hoped the Commission's action would be shown to be legal.

Mr. Passmore said the law provided that hearings on substance and an EIR could be held at the same time. They must start together. While the Department would like to have the EIR hearings start after other, initial hearings on the substance the Attorney General said it could not be done.

Mr. Walsh said that the Board of Supervisors authorized the Interim Controls for a two-year period to allow time for a study by the Department and the Commission. The Commission then, before the two-year period was up, initiated a reclassification with proposed zoning maps, also to run for two years unless extended for six months by the Board of Supervisors. When viewed in light of what the Board had done, it appears that they intended the Commission's study to have been done within the original two-year period. The initiation of a second two-year period during which proposed controls were in effect, seems questionable. He wondered whether the Commission had exceeded its authority and ought not to go back to the Supervisors. He wanted the City Attorney to look at this question.

Mr. Winogrand noted that six weeks before the end of the two-year Interim Control period the Commission initiated the next step in the process after a study and a presentation by the staff.

Mr. Passmore remarked that the Board of Supervisors had not specifically authorized a study; the Residential Zoning Study was indirectly provided by the staff of the Department.

President Rosenblatt asked whether anyone in the audience wished to give additional testimony and no one responded.

After discussion Commissioner Starbuck moved, Commissioner Nakashima seconded, and the Commission unanimously adopted the draft resolution as City Planning Commission Resolution No. 7864 to amend Resolution No. 7499, and to incorporate the Proposed Ordinance Text for New Residential Zoning dated November 29, 1977, and the 13 sheets of the Proposed Zoning Map dated December 3, 1977, for its consideration in public hearings in furtherance of the process leading up to final adoption of new residential zoning in San Francisco.

The meeting was adjourned at 5:39 p.m.

Respectfully submitted,

Robert H. Feldman
Acting Secretary



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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, December 15, 1977.

The City Planning Commission met pursuant to notice on Thursday, December 15, 1977, at 1:55 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman, Virgil L. Elliott, Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation; Moira So, City Planning Coordinator; Nathaniel Taylor, Planner II; George Williams, Assistant Director-Plans and Programs; Bob Meyers, City Planning Coordinator; Richard Gamble, Planner IV; Alec Bash, City Planning Coordinator; and Xandra Malandra, Acting Secretary.

Jerry Adams represented the San Francisco Examiner; Kevin Leary represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:00 NOON - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:00 noon to take a field trip with the Council of District Merchants to Fisherman's Wharf.

1:30 P.M. - ROOM 282 CITY HALL

CURRENT MATTERS

Toby Rosenblatt, President of the Commission, formally announced the appointment of Lee Woods as Secretary to the Commission; welcomed him, and introduced him to the Commission. He will take over the duties of the Secretary on January 3, 1978.

President Rosenblatt reported that he and the Director of Planning, Rai Okamoto, had been to visit Ed Murphy, former Assistant Planning Director, at his home to present to him the calligraphed resolution passed in his honor upon his retirement in September 1977.

He commented on the seriousness of Mr. Murphy's illness and instructions from his doctors that he should not be subjected to the rigor of a staff/Commission party.

Rai Okamoto, Director of Planning, added that Ed Murphy is a storehouse of information on departmental problems and said that he would like to visit him more often with some of the staff members.

Rai Okamoto, Director of Planning, announced a visit to the Department of City Planning offices by a delegation from the Soviet Union to take place on January 19 in the morning. More details will be provided later, he said.

At this point in the proceedings, Commissioner Wentz arrived and assumed his seat at the Commission table.

The Director informed the Commission that a restaurateur was interested in the McAllister/Polk Street site. A few moments later Dick Gamble, Planner IV, handed him a note which stated that the interested restaurant operator had purchased elsewhere and no other commercial interest had as yet been shown in this site.

The Director reported that as a result of the efforts of Audrey Owen, Administrative Assistant, the telephone company (AT & T) will distribute new Municipal Railway plans and routes. He also announced that the second meeting of institutions to cooperate on a Transit Action Plan was held and an agreement to cooperate to try to get UMTA (Urban Mass Transit Administration) funding was made.

Copies of the Potrero Hill Neighborhood Improvement Plan Draft were distributed for study to the Commissioners. Jon Pon, Staff Assistant and author of the Plan, has scheduled community meetings to discuss the Draft in January and February.

The Director informed the Commission that the Board of Supervisors discussed using half of the \$29,000 available for analysis of ABAG's Environmental Management Plan for other unspecified additional purposes.

The Director reported on progress in the Chinatown RAP area. Concerning the North of Market RAP area, the Board of Supervisors was reported to have unanimously approved the negative declaration and authorized the department (or any agency) to conduct a rental survey. The Director stated that he preferred not having a statement that implies rent control. Dr. Selina Bendix, Environmental Review Officer, then checked the relevant environmental laws and determined that the negative declaration status was not affected.

Commissioner Bierman questioned the lack of effect on the negative declaration if rent control was removed. The Director replied that the negative declaration was not changed.

Commissioner Starbuck expressed the sentiment that the \$25,000 spent to conduct the study had not produced any benefits. Moira So replied that the Department of City Planning actually achieved what it desired -- a rent increase limitation and a certification of the negative declaration. Other doubts about the negative declaration being upheld were answered by the Director who stated that it contains mandated mitigation measures.

PRELIMINARY REPORT TO THE COMMISSION BY THE STAFF OF THE
DEPARTMENT ON CONDOMINIUM CONVERSIONS AND THE HOUSING STOCK.

Alec Bash, City Planning Coordinator, presented the overall background on the Subdivision Code sections which are applicable to condominium conversions and reported on condominium conversion cases processed so far. He stated that the Subdivision Code was amended in 1975 to include condominium conversion regulations, the purpose being to ensure development consistent with the Master Plan, especially to protect low and moderate income families. Under the Code, condominium conversions affecting fewer than five dwelling units need only be reviewed for conformity to the Code. So far the provision to reserve a percentage of the units for low and moderate income families has been impossible to implement because it can only be enforced when subsidies are available; none have been available yet. The duties of the Commission in conversion proceedings are to make the following determinations:

- 1) Are any units part of the low and moderate income housing stock and would conversion remove them from this stock by raising their prices?
- 2) Have vacancies citywide been increasing?

If either of these situations can be demonstrated the conversion cannot take place.

Another requirement of the condominium conversion sections is that in projects of over 50 units, tenant consent represented by 35% or more of the occupied units is needed.

President Rosenblatt questioned the veracity of signatures presented to attest to approval of conversions. He asked for more information on the responsibility for verifying signatures. Commissioner Dearman asked if the ordinance is difficult to understand. Alec Bash replied that it is general, not specific.

Commissioner Wentz questioned the figures used to estimate the number of condominium conversion in San Francisco, which Alec Bash had estimated to be 2500 units.

Nathaniel Taylor, Planner II, continued the condominium conversions presentation by giving a summary of findings from a literature survey conducted by Marilyn Brown. Major problems appear to be the effect of condominium conversions in tightening the rental market and the impact on low-and-moderate income families by raising the cost of housing. There is a net loss in the rental stock and a gain in ownership. Some cities avoid the problem of tightening the rental market by not allowing conversions when the vacancy rate is below designated percentages. To do this requires annual vacancy surveys - the last one in San Francisco was in 1973, at which time the rate was 2.3%.

President Rosenblatt said he hoped that there would be an increase in home acquisitions due to better financing opportunities when the lending institutions note the increased supply and demand for ownership.

Nat Taylor noted that with time the unit price will probably stabilize, but Commissioner Dearman rejected that assumption and wanted to know how many years it would take for prices to stabilize.

President Rosenblatt asked that those persons interested in continuing to participate in condo discussions contact Nat Taylor at the Department of City Planning.

Xandra Malandra, Planner II, presented findings on problems with condominium ownership. Conclusions were that condo ownership requires a level of sophistication to understand that monthly payments include maintenance and amenities, and a degree of commitment to home ownership. A third requirement is that income is sufficient, or subsidies be available, so that other basic needs, particularly food and clothing, may be met since maintenance cannot be deferred to take care of these essentials.

George Williams, Assistant Director-Plans and Programs, summarized the issues as follows:

- 1) Effect of condo conversions on housing stock.
- 2) Effect of condo conversion on cost of housing.
- 3) Problems of condo ownership.
- 4) Tenant's Rights.

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Commissioner Bierman was concerned that the effect of too many condo conversions would be to cause an increase in the rents of existing remaining rentals.

George Williams commented that adding to the ownership stock would reduce the cost of homeownership.

Commissioner Dearman expressed difficulty with that theory and added that people already are afraid that this will soon be a city of rich people.

The Director stated that he had heard testimony to the contrary; that condo ownership often has advantages in terms of cost savings to the owner.

Commissioner Bierman said that monthly payments are extremely high, referring to Table IV of the attachments. She wondered whether purchasers knew what they were getting into.

George Williams noted that the State Department of Real Estate monitors informational brochures.

Alec Bash added that the Department might provide more information in the notices and asked the Commissioners' advice as to what kind of information would be relevant.

There was some discussion about the composition of housing stock and disagreement about whether the availability of housing referred to a neighborhood or the entire city.

Commissioner Wentz pointed out that owners can't get high enough rents so convert to condominiums to get out of a losing venture. Others expressed a helplessness to control speculation and frustration with the rental market.

George Williams stated that the staff generally favors condo conversions and feels that condominiums provide stability to the city although some neighborhoods may feel their impact adversely.

President Rosenblatt asked that the vacancy factor be studied. Commissioners Bierman and Starbuck asked that the costs of maintenance and operations, included in the association dues, be fully disclosed to condominium purchasers.

Discussion was continued till an informational meeting on January 10, 1978, at the Department of City Planning, 100 Larkin Street, 10 A.M.

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CONSIDERATION OF DRAFT RESOLUTION URGING THE S.F. AIRPORT'S COMMISSION TO DIRECT THE FILING OF AN ENVIRONMENTAL EVALUATION FOR CERTAIN COMPONENTS OF THE EXPANSION/MODERNIZATION PROGRAM. (CONTINUED FROM MEETING OF DECEMBER 1, 1977)

Commissioner Dearman moved and Commissioner Starbuck seconded the motion to have S.F. Airport Commission's Environmental Evaluation resolution continued to December 22, 1977, of the first calendar item for that date; the motion carried unanimously.

EE77.330 - PUBLIC HEARING ON AN APPEAL OF A DETERMINATION BY THE DEPARTMENT OF CITY PLANNING THAT AN EIR IS REQUIRED FOR A 19-UNIT SINGLE-FAMILY SUBDIVISION PROJECT AT EDGEHILL WAY (RS77.24). (CONTINUED FROM DECEMBER 1 & 8, 1977)

Commissioner Starbuck informed the Commission that Mr. Wentz, the attorney for the landowners, stated that they do not wish to appear and that this was not done to foreclose the appellant from making further testimony. Commissioner Bierman's motion, seconded by Commissioner Starbuck, reaffirmed the need for an EIR and passed unanimously.

CURRENT MATTERS (Continued)

A request from Gigi Platt of the Landmarks Preservation Advisory Board that the Commission meet with the Board on matters of the proposed budget prior to December 22, 1977 was read. 11 A.M. on December 22 was proposed as the date.

President Rosenblatt announced that Warren Simmons wants the Commission to tour his project. It was decided that the earliest convenient date would be in March. He added that the Residential Zoning Study hearings would keep everyone busy until then and that hearings on the amendments to Section 302(c) of the Planning Code introduced at the Board of Supervisors by Supervisor Kopp will begin on January 5, 1978.

President Rosenblatt moved that the Commissioners adopt, as a matter of policy, the review of all permit applications in the Fillmore/Union Street area, subject to the Board of Supervisors' moratorium on bars and restaurants. Commissioner Bierman seconded the motion and it passed unanimously.

Commissioner Dearman asked that something be done about the action of the City Attorney, in overruling the Commission, in the Diamond Heights condo conversion case.

DECEMBER 15, 1977

The Director told the Commissioner that the Bufano Hotel violates the Planning Code even though it may meet the building code.

REPORT TO THE COMMISSION BY THE STAFF OF THE DEPARTMENT
ON NORTHEAST WATERFRONT PLANNING

Commissioner Starbuck asked that the Director and Senior Staff meet with Warren Simmons to discuss the proposed pedestrian bridge from a garage to the pier. He referred to it as an aesthetic disaster and a disincentive to at-grade pedestrian traffic.

Bob Meyers said that plans are preliminary enough that the staff and Commission could still ask for some design changes.

President Rosenblatt left at 5:05 P.M.

Bob Meyers, City Planning Coordinator, presented three alternative proposals for development of the Port area between Fisherman's Wharf and the Bay Bridge as follows:

Scenario 1 - Retain the piers. Include fine-grained mixed use development inland.

Scenario 2 - New Maritime development and back-up maritime and light industrial uses.

Scenario 3 - New commercial development, housing.

Commissioner Bierman asked if there was any sentiment to save some of the pier heads. Bob Meyers said the historic structures were being retained.

George Williams reported that the time frame for the project was about one year and eighteen months.

Commissioner Starbuck moved and Commissioner Wentz seconded to adjourn.

The meeting adjourned at 5:40 p.m.

Respectfully submitted,

Xandra Malandra
Acting Secretary



FEB 13 1979

SAN FRANCISCO
CITY PLANNING COMMISSION

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Minutes of the Regular Meeting held Thursday, December 22, 1977.

The City Planning Commission met pursuant to notice on Thursday, December 22, 1977, at 1:35 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, President; Ina F. Dearman, Vice-President; Susan J. Bierman; Virgil L. Elliott; Yoshio Nakashima, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); George Williams, Assistant Director-Plans and Programs; Alec Bash, City Planning Coordinator; Bill Oman, Planner II; and Xandra Malandra, Planner II and Acting Secretary.

Jerry Adams represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

Consideration of the minutes of the meeting of November 29, 1977, was postponed to the next regular City Planning Commission meeting.

FIELD TRIP

Members of the City Planning Commission and staff departed from 100 Larkin Street at 12:15 p.m. to view sites of Commission cases for January.

CURRENT MATTERS

President Rosenblatt announced to the Commission that the EIR for the Yerba Buena Center will be published in January and that Commissioner Boas would like to present a detailed schedule for the project. Alternate dates for hearing were discussed. Dr. Selina Bendix, Environmental Review Officer, said the Commission could decide on dates during the first hour of the January 1 meeting with enough time to get 30-day notices in the newspaper.

Commissioner Dearman arrived at 1:38 p.m.

President Rosenblatt reported that the Landmarks Board was not able to meet with him at 11:00 a.m. that day and met instead on December 21, the meeting producing agreeable results.

Commissioner Dearman registered a formal complaint that Commission field trips not be scheduled needlessly. All sites on that day's trip had apparently been seen previously.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), replied that every effort will be made to see that field trips in the future are well planned.

Commissioner Starbuck announced that State Energy Conservation Building Standards take effect January 1, 1978 and that the Planning Commission had authority to impose and enforce more stringent standards if the result was the diminution of energy use. He asked that the staff representatives on the Mayor's Energy Task Force urge that body to take steps to have the State standards adopted as the minimum City Standards for energy conservation until an Energy Conservation Code for the City could be prepared and adopted. The Commission concurred in his request.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his chair at the Commission table.

CONSIDERATION OF A DRAFT RESOLUTION URGING THE SF AIRPORTS COMMISSION TO DIRECT FILING OF AN ENVIRONMENTAL EVALUATION FOR CERTAIN COMPONENTS OF THE EXPANSION/MODERNIZATION PROGRAM. (CONTINUED FROM MEETING OF DECEMBER 15, 1977.)

Commissioner Starbuck asked that the Airports Commission institute a formal mechanism for getting information on proposed energy conservation measures to the public.

Mr. Richard Heath, Director of Airports, referred to two letters he had written to the City Planning Commission spelling out Airports Commission action on energy conservation and their stated policy to utilize the best technology available in all new construction. His only objection to the proposed resolution was that he felt it implied that the Airports Commission is not fulfilling the energy conservation requirements.

Commissioners Starbuck, Wentz, and Bierman asked that there be better coordination between all parties, including the public.

Mr. Heath promised that from now on agendas and minutes rather than just summaries of Airports Commission's meetings will be sent. Commissioner Wentz moved to adopt the resolution, and Commissioner Starbuck seconded.

^{Smith}
Sue ~~Hestor~~, Board member of San Francisco Tomorrow, spoke of the significant impacts of the Airport expansion which had been identified in the 1973 EIR.

Commissioner Bierman thanked Ms. Hestor for all her research on the Airports expansion.

^{Smith}
Ms. ~~Hestor~~ expressed frustration with the EIR process although she said the material was handled with integrity in the Department of City Planning. She suggested credibility could be improved if long-range planning responsibilities were stated out to appropriate departments in advance.

Commissioner Dearman asked for assurance that the Airports Commission would protect the land and people rather than act like a private company doing as it pleases.

Mr. Heath objected to what he called "untrue statements".

Dr. Bendix, Environmental Review Officer, observed that the public can come to the Office of Environmental Review for environmental information.

Commissioner Bierman remarked that the airport expansion had to stop somewhere. She said that traffic was terrible and the whole thing was a nightmare.

The motion was passed unanimously and was adopted as City Planning Commission Resolution No. 7866.

Commissioner Starbuck left the room at 2:20 p.m.

RS77.22 - JOINT PUBLIC HEARING WITH DEPARTMENT OF PUBLIC WORKS ON TENTATIVE MAP FOR 25-UNIT CONDOMINIUM CONVERSION AT 2201 SACRAMENTO STREET; LOT 1 IN ASSESSOR'S BLOCK 638.

Alec Bash, City Planning Coordinator, reported that he had met with sponsors of each condominium project to be discussed at this meeting and has prepared a summary of sales prices and relocation assistance provided in each. He said that 180 days during which to ask tenants to relocate seemed appropriate and that payment would be required if they had to relocate sooner.

He discussed the conversion at 2201 Sacramento Street which would involve 24 units and one room to be converted to 24 condominium units. He said that the present rents were \$300-\$550, for studios, one bedroom and two bedroom units and that the proposed sales prices ranged from \$85,000 to \$140,000. Mr. Bash recommended that the conversion be found consistent with the San Francisco Master Plan.

Commissioner Bierman asked if the building was in the process of being sold.

Mr. Dod Stevens, owner, assured her that it was not.

Commissioner Bierman said she was concerned about the sales prices.

Mr. Bash replied that there were concerns about price fixing and that the whole issue was being studied with recommendations forthcoming at the January 10th implementation meeting.

Ron Arlis of the Pacific Heights Neighborhood Council, complained that there had not been adequate notice. Large numbers of the renters already were experiencing high rents, he said, and will be affected by the conversion and some of them are elderly. The prices, he added, were very high, out of range for families and the type of people who can now rent there. He asked that the staff hold off approval of the conversion until the staff has consulted with neighborhood groups.

President Rosenblatt asked how many residents had been contacted.

Mr. Arlis replied that he had spoken to three or four but he wanted time to speak to more.

Bill Rosetti, real estate broker for the project, said that all tenants were advised of the conversion and that they had talked to five and called eight others. He felt they had accommodated all tenants.

Commissioner Bierman asked if anyone in the audience opposed the project. No one opposed it. She then moved approval because of the high income area in which the building was located, and said that however, she would like to hear from Pacific Heights families on January 10th.

Commissioner Nakashima seconded the motion and it was carried by a vote of 5-1 and the draft resolution was adopted as City Planning Commission Resolution No. 7868. (Voting yes: Commissioners Bierman, Elliott, Nakashima, Rosenblatt, and Wentz. Voting no: Commissioner Dearman. Absent: Commissioner Starbuck.)

RS77.46 - SIDEWALK WIDENING AT O'FARRELL STREET, WEST OF VAN NESS AVENUE, FOR A BUS STOP.

There was no discussion. Commissioner Bierman moved that this item be approved. Commissioner Elliott seconded the motion and it was carried unanimously.

RS77.27 - PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP FOR A 14-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 3170-98 SACRAMENTO STREET; LOT 14 IN ASSESSOR'S BLOCK 1006.

Alec Bash, City Planning Coordinator, informed the Commission that the neighborhood had requested a DR in lieu of CU and that building permits have been approved. It was before the Commission again to approve condominium occupancy rather than as apartment units. Mr. Bash also said that he had received a letter concerning parking. There are two parking places for each unit, he said.

President Rosenblatt asked if anyone was opposed to the project. One person indicated he was opposed and three were in favor.

Jo Ann Woo, a resident of the neighborhood for 20 years, said the condominium units were very small, about half the size of flats in the area. She said that since these small units would cost \$80,000, she felt it could affect the price of all properties in the neighborhood. She wanted the issue to be studied for legal ramifications.

Alex Ager, of the Household Associates' Management Association, said the whole project was presented to the Pacific Heights Neighborhood a year ago - today they were just looking for legal sanction.

Commissioner Dearman left at 2:55 p.m.

Commissioner Nakashima moved for approval of the project. Commissioner Elliott seconded the motion and it was carried unanimously that the draft resolution be adopted as City

Planning Commission Resolution No. 7870.

CU77.45 - 2310 HYDE STREET, EAST SIDE, 70 FEET SOUTH OF CHESTNUT STREET; LOTS 29 AND 30 IN ASSESSOR'S BLOCK 68; IN R-5 AND PROPOSED RH-3 DISTRICTS. REQUESTS AUTHORIZATION TO CONSTRUCT A THREE UNIT APARTMENT HOUSE WITH SIX OFF-STREET PARKING SPACES ON EACH OF THE TWO LOTS. CONDITIONAL USE REVIEW AS A COMMUNITY GARAGE IS REQUIRED WHENEVER THE PARKING EXCEEDS 1.5 SPACES FOR EACH DWELLING UNIT.
(CONTINUED FROM MEETING OF DECEMBER 1, 1977)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), explained that the original plans for this project had been modified so that there was no longer any neighborhood objection to the proposal to construct a three-unit apartment house. He recommended approval of the applicant's request for withdrawal of the original request without affecting the conditional use status. Commissioner Bierman moved for withdrawal, Commissioner Elliott seconded the motion, and it was carried unanimously and adopted as City Planning Commission Resolution No. 7873.

RS77.28 - PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP FOR A 24-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 1450 GREENWICH STREET; LOT 58 IN ASSESSOR'S BLOCK 502.

Alec Bash presented staff recommendations on Master Plan consistency which would require the subdivider to relocate tenants within 180 days after filing of tentative map, to provide \$400-\$500 relocation assistance, and to guarantee the original sales prices. He stated that no correspondence had been received from the tenants although some information had been gained from a neighbor. He said the Department of City Planning recommended the project be found consistent with the Master Plan and added that he felt that 24-units would not have a major impact on the city's rental market, rather would maximize opportunities for homeownership. Conditions to be added to approval of the conversions were stated as follows:

1. Change relocation requirement to 180 days after filing of final map.
2. Affirmative Action sales.
3. Relocation payments for those who leave after 60 days.

4. First purchase right for tenants.

Commissioner Bierman asked if the building was in the process of being sold.

John Levinson, the applicant, agent for the sponsor said it was not. The present owner bought the building in probate sale in 1975, he said.

President Rosenblatt asked whether the conditions were acceptable.

Joan Faist, tenant, said she had spoken to 16 tenants who opposed conversion because they were not willing or able to purchase the property. The cost of living in the building, she said, had gone up and resulted in many people moving out about three years ago, before which she remembered it had been moderate income housing. She has lived there 35 years. The newest resident has been there 14 years. She said they considered themselves a stable part of San Francisco and could not understand why people had to put up capital to stay in the same building.

James Crodozino, resident, asked for postponement of the decision due to inappropriate data. He said that tenants hadn't responded probably because of notices being given so late. He expressed puzzlement over the Commission's making conversion decisions when the study on condos is coming up on January 10th. He said the city is being divided between the advantaged group who can afford housing and a disadvantaged group whose housing is no longer going to be found in the city. He asked that the Commission disapprove the conversion.

Marilyn Merker, resident, made similar comments and added that the condition of the units was not what the price would suggest.

John Levinson, applicant, partners of Hill and Co., defended the owner as trying not to increase rents but said he thought the building was high quality, a good home-ownership opportunity.

President Rosenblatt asked if Hill and Company was the owner.

John Levinson said no, only the agent.

Someone in the audience made comment that notice from Levinson and Hill was only given two weeks ago.

Discussion followed on state law regarding just what can be told to tenants prior to conversion.

Commissioner Bierman asked if the letter from the Department gave a person or number to call. Mr. Bash replied they were to call Mr. Steele.

John Levinson raised some questions about the price ceilings of \$40,000 being appropriate for units now renting for \$295.

Alec Bash explained that price ceilings were based on HUD's median for Bay Area households of one. 2 1/2 times household income is used as amount family can afford to pay for housing.

John Levinson said if three times were used, \$46,000 would result as more realistic figures.

Alec Bash replied that two-family households could use the \$46,000 figure. Other assumptions would produce other results.

Questions as to ownership of the present building showed that Mr. Levinson is only the developer and has no equity but is expecting to after the conversion.

Commissioner Starbuck asked for the date of application to Public Works and after several attempts, an answer of October 13 seemed to emerge.

Mr. Steele said that would mean the 50-day period would end this month.

Mr. Levinson said an extension was granted in a letter to Mr. Ron, engineer.

Commissioner Wentz meanwhile kept trying to get someone to address the issue of studios remaining moderate income housing.

Mr. Steele said that would be a required condition of approval.

Mr. Levinson said he would agree to conditions.

Commissioner Bierman moved for disapproval of the conversion and reiterated that the Department had recommended approval.

Rai Y. Okamoto, Director of Planning, replied that that wasn't exactly true.

Levinson's lawyer told him it wasn't fair but that the Department of City Planning has the right to do it. Also he advised him that if it conforms to the Master Plan and the conditions are met, then the Commission must approve it.

Mr. Okamoto said the Department needed additional time to examine concerns of the tenants.

Mr. Steele stated that Master Plan consistency had not yet been determined. It was then up to the Commission, he said.

Mr. Okamoto indicated that the presence of tenants at this meeting may alter the Department's original thinking. He suggested a continuance, otherwise would advise disapproval.

Lawyer requested a few minutes with Levinson.

Mr. Levinson wanted to know what he should come back with to satisfy the Commission.

Mr. Okamoto said the concern he has is with the tenants' expressed opposition and the impact on those residents of the building. He wanted the staff to talk at greater length with the residents to verify the remarks heard today.

The Commission felt inclined to continue the matter to January 26, 1978.

Commissioner Bierman summed up her feelings by saying that to be really honest they should recommend disapproval; continuance would only result in disapproval later because the concerns of the tenants won't change.

Commissioner Starbuck seconded Commissioner Bierman's motion of disapproval and summed up his feelings that housing choice may be maximized and homeownership provided, but tenants are being forced to evict.

Mr. Levinson mentioned a few more instances he felt were unfair to him and said it was unfortunate that an owner who doesn't raise rents is being penalized. This statement brought some gasps from the audience.

The motion of disapproval was carried unanimously and was adopted as City Planning Commission Resolution No. 7871.

The Commission recessed for 15 minutes at 4:15 p.m. and reconvened at 4:30 p.m.

- R77.43 - LEASE OF PROPERTY AT NORTHWEST CORNER OF POLK AND McALLISTER STREETS FOR SERVICE STATION OR OTHER USES.
(CONTINUED FROM MEETING OF DECEMBER 8, 1977.)

Mr. Wallace Wortman, of the Real Estate Department reported that he had just met with representatives of Standard Oil who had agreed to cooperate on condition that immediately after January 1, 1978, they would have the right to take away pumps and signs from their service station. They will remove underground tanks whenever the City wishes and will not make any improvements to the lot until the end of January. Mr. Wortman said the delays, blamed on the City Planning Department have cost the city \$1,000 per month in rents and have put the Real Estate Department in the uncompromising position of having to ask Standard Oil to hold off. The site should be available for lease by June but he added that he does not consider a one-story restaurant as the highest and best use of the land. For the record, he stated that the lease should be free and clear of prior commitment.

Commissioner Starbuck informed the Commission that the existing structure was temporary.

Mr. Wortman said that they don't have the authority to lease.

Commissioner Wentz asked for clarification.

Mr. Okamoto, Director of Planning, explained that the status of Master Plan Referrals is that the parking facility as an interim use would be in conformity with the Master Plan.

President Rosenblatt asked whether this being the Civic Center landmarks district would affect its use.

Mr. Okamoto said the Art Commission would review the plans.

Commissioner Starbuck suggested having Standard Oil clean up the site and use it for a community garden.

Commissioner Wentz felt parking was a high priority. A discussion of the need for City offices followed.

Commissioner Elliott moved continuance to January 26th. Commissioner Bierman seconded the motion and it was carried unanimously.

RS77.29 - PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP FOR AN 11 UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 1740 FRANKLIN STREET; LOT 7 IN ASSESSOR'S BLOCK 642.

Staff presented recommendations for approval of conversion 180 days after filing of tentative map subject to the following conditions:

1. Master Plan Consistency
2. Affirmative Action
3. Relocation requirements of subdivision code.
4. Change time to 180 days after filing final map.
5. \$750 for relocation after 30 days.
6. \$500 for relocation after 60 days.

Opposition to the conversion was posed by Mr. Thomas Cuney, resident of the building for twenty years, who spoke also for Mr. Hansen and Mrs. Rankin (other residents). He told the Commissioners that what really happens when you are offered this great opportunity to buy an apartment (condo) is that after you have already been subjected to rent increases of over 90% in six months, you are asked to find more cash to put up for a down payment and then have your monthly payments doubled too. Units in his building will be selling for \$110-\$140 thousand and monthly payments would be \$1200. His present rent is \$575. Six months ago it was \$300. He lamented the fact that he is being forced to move because he doesn't want to commute; he doesn't want to live in suburbia but living in San Francisco is impossible.

Mrs. Cuney said she concures in all Mr. Cuney said.

Commissioner Bierman asked if anyone would like to speak in favor of the project.

Bob Rozell, owner, said he was surprised by what Mr. Cuney said. He said that he had met with the present tenants for three and a half hours and explained why they could not keep the rents at \$300. Conversion is the only logical thing he could do to keep the units, which are beautiful, in condition, he said. He also stated that plumbing was not up to code and the electrical system, while adequate, was not good when he took over and that these things have been brought up to code.

He said that he thought the residents were all in favor of the improvements he was performing.

Mrs. Rankin stated that her understanding had been that the building would be converted, whether or not we wanted it and that rents would be raised in any case to over \$900.

Mr. Rozell stated that all the units would be recoppered.

Commissioner Starbuck asked how long the five vacant units had been empty.

Mr. Rozell informed the Commissioners that two units had been vacant since September and three since October.

Mrs. Cuney said the units had never been shown.

Mr. Rozell said that they are in the process of remodelling the units and that they would give the Rankins credit for the kitchen they had remodelled.

Commissioner Dearman said she didn't want to move for disapproval, but that the present ordinance resulted in too much hardship being placed on people. She made a motion that the project be found not in conformity with the San Francisco Master Plan.

Commissioner Bierman seconded the motion and said she believed in a city for the people who live here. Now, she said, a whole other group of people will be coming to live here. The motion passed unanimously and was adopted as City Planning Commission Resolution No. 7872.

RS77.30 - PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP
FOR A 7-UNIT CONDOMINIUM CONVERSION SUB-
DIVISION AT 1900 BROADWAY; LOT 7 IN ASSESSOR'S
BLOCK 567.

Mr. Steele summarized recommendations of staff as conforming to the Master Plan.

Charles Moeller, resident, told the Commission that he could not afford to pay \$120,000 for a bedroom, one bath condo unit. He said he was on a fixed income.

Evelyn Ma, another resident, was thinking of purchasing a unit before she heard what the prices were to be. She said she was a school teacher and a widow.

Ms. Boudoir, resident for twenty-seven years, said that she did not want to move.

Those in favor of the project were Lee Wong, the real estate agent who helped the owner acquire the property. He said he found it suitable for family living and could afford to live there. He accused Mr. Moeller of driving a Mercedes and a Rolls Royce.

Mr. William Ziegler, owner, made a case for the difficulty of improvements to the units and keeping costs down.

Commissioner Starbuck moved that this item be continued to January 26 to give the owner time to resolve some of his conflicts with the tenants. Commissioner Elliott seconded the motion and it was carried unanimously.

COMMISSIONER'S QUESTIONS AND MATTERS.

Commissioner Starbuck introduced a resolution directing the Chief Administrative Officer and the City Attorney to take steps to improve regulations governing time limits in the Subdivision Code. Commissioner Bierman moved for approval, Commissioner Dearman seconded it, and it was unanimously carried that the draft resolution be adopted as City Planning Commission Resolution No. 7867.

R77.47 - REVOCABLE ENCROACHMENT PERMIT FOR 1.04-FOOT
ENCROACHMENT INTO SIDEWALK AREA RESULTING FROM
BUILDING ADDITION AT 1347 - 8TH AVENUE.

Commissioner Wentz recommended denial of the encroachment permit. He wanted to know how it got there.

Mr. Pad, owner, said his plans were approved and he spent \$5,000 in construction which resulted in an eight or nine inch overhang into the sidewalk area.

Mr. Okamoto explained that even though the permit would be issued by Public Works, the Commission must advise as to its conformity with the Master Plan.

Commissioner Wentz moved to approve the Planning Director's recommendation that the encroachment would be inconsistent with the Master Plan.

Commissioner Starbuck seconded the motion which passed unanimously.

- RS77.25 - PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP FOR AN 11-LOT SUBDIVISION IN R-1 AND PROPOSED RH-1 DISTRICTS AT GOETTINGEN AND DWIGHT STREETS, NORTHWEST CORNER; LOT 11 IN ASSESSOR'S BLOCK 6118.

The Planning Director recommended approval of this project with two conditions: 1) Street trees and landscaping and 2) Affirmative Action.

Commissioner Wentz moved for approval, Commissioner Elliott seconded the motion and it was carried unanimously as City Planning Resolution No. 7869.

- DR77.66 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7706350 FOR CONSTRUCTION OF A NEW 7-UNIT RESIDENTIAL BUILDING AT 3239 MISSION STREET, EAST LINE, 175 FEET SOUTH OF FAIR AVENUE (EE77.196).
(CONTINUED FROM MEETING OF DECEMBER 1, 1977.)

Commissioner Bierman moved for Continuance to January 5, 1978, Commissioner Wentz seconded and the motion was unanimously carried.

- DR77.82 - DR HEARING FOR ONE-FAMILY HOUSE AT 64 VAN BUREN STREET. BUILDING PERMIT APPLICATION NO. 7712271.

Commissioner Bierman moved for Continuance to January 5, 1978, Commissioner Wentz seconded and the motion was unanimously carried.

- DR77.83 - CONSIDERATION OF REQUEST FOR DR FOR PIERCE STREET ANNEX EXPANSION TO SECOND FLOOR BUILDING PERMIT APPLICATION NO. 7712226.

James Curran, owner, objected because all permits had been approved.

Commissioner Bierman said she was sorry, but moved to schedule the DR for the project.

Commissioner Starbuck seconded the motion which was carried unanimously.

CONSIDERATION OF DRAFT WORK PROGRAM AND
BUDGET FOR THE DEPARTMENT OF CITY PLANNING
FOR FISCAL YEAR 1978-79.

Mr. Okamoto summarized the reasons why the Department is submitting larger budgets as follows:

- 1) Ad Valorem Staff increases from CDBG.
- 2) Planning Technicians' categories.
- 3) Repeat requests from previous years.

4) Staff equipment lease and purchase.

5) 5 Key positions no longer Federally-funded.

President Rosenblatt asked that a date be set to review the work program but none was set.

The meeting adjourned at 6:30 p.m.

Respectfully submitted

Xandra Malandra
Acting Secretary

